

EXHIBIT A

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~~U.S. DISTRICT COURT~~ UNITED STATES DISTRICT COURT
~~CENTRAL DISTRICT OF CALIFORNIA~~ DISTRICT OF MASSACHUSETTS

DS ADVANCED ENTERPRISES,
LTD.,
A CORPORATION,
Plaintiff,
v.
LEDVANCE LLC,
A CORPORATION, ~~and~~
~~LOWE'S GLOBAL~~
~~SOURCING (SHANGHAI)~~
~~TRADING CO., LTD.,~~
~~A CORPORATION,~~
Defendants.

Case No.: 1:24-cv-11155-JEK ~~5:23-~~
~~ev-02058~~

~~FIRST AMENDED COMPLAINT~~
~~FOR PATENT INFRINGEMENT~~
~~PER RULE 15(a)(1)(B)~~

~~DEMAND FOR JURY TRIAL~~

[Honorable Judge Julia E. Kobick]

SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT AND
DEMAND FOR JURY TRIAL



1 Plaintiff, DS ADVANCED ENTERPRISES, LTD (“PLAINTIFF”), by and
2 through counsel CUMMINS IP PLLC, for its complaint against DEFENDANT
3 LEDVANCE LLC (“DEFENDANT”), allege as follows:

4 **PARTIES**

5 1. PLAINTIFF, DS Advanced Enterprises, LTD. (“DSAE”), is an Ontario
6 corporation with a principal place of business at 34 Park Court, Niagara-on-the-Lake,
7 ON L0S 1J0, Canada.

8 2. PLAINTIFF is the owner of U.S. Patent 11,054,118 (see Exhibit 1) and sells
9 lighting products in the United States and internationally.

10 3. DEFENDANT is a Delaware Corporation with a principal place of business at 200
11 Ballardvale Street, Wilmington, MA 01887, and is operating at least one distribution
12 center in San Bernadino County at 1651 S Archibald Ave, Ontario, CA 91761 (see, *e.g.*,
13 Exhibits 4-7).

14 **JURISDICTION**

15 4. This Court has original jurisdiction over the subject matter of this action pursuant
16 to 28 U.S.C. §1331 and §1338, as the dispute between the parties presents a substantial
17 question of federal patent law.

18 5. The Court also has jurisdiction pursuant to 28 U.S.C. §2201(a), as Plaintiff seeks a
19 declaration of rights in relation to Defendant.

20 6. This Court has personal jurisdiction over the Defendant. Defendant is regularly
21 conducting business in California State and this District both directly and indirectly, and,
22 upon information and belief, deriving substantial revenue from business transacted
23 within California State and this District by advertising, distributing, offering for sale,
24 selling, and/or importing, of unauthorized goods in California State and this District, and
25 thus are subject to personal jurisdiction in this District.

7. DEFENDANT owns and operates a “Manufacturing & Processing” “Business Property” identified as Parcel #021126206P000 at the address 1651 S Archibald Ave, Ontario, CA, in San Bernadino County. See Exhibits 4-7).

8. DEFENDANT has regularly utilized the ports of Los Angeles and Long Beach for the past several years, thereby establishing a regular place of business within this jurisdiction. See Exhibits 20 and 31.

9. Exhibit 31 includes data that is publicly available via usimports.info, and expressly evidences multiple instances in 2021 when “Importer” DEFENDANT imported “LED FIXTURE[S]” using the “LOS ANGELES, CA” “Port of Discharge”.

10. Exhibit 20 includes data that is publicly available via importyeti.com, and expressly evidences DEFENDANT importing “(LED) lamps” from their Chinese subsidiary “Ledvance Lighting Co Ltd” (“LEDVANCE CHINA”) to the “Arrival port” of “Long Beach, Ca”, at least on August 25, 2023.

VENUE

11. Venue is proper in this district under 28 U.S.C. §1391(b)(3) and 28 U.S.C. §1400(b).

12. Venue is also proper per *TC Heartland LLC v. Kraft Foods Group Brands LLC*, 137 S. Ct. 1514 (2017) and *In re Cray Inc.*, 871 F.3d 1355, 1362-1363 (Fed. Cir. 2017).

13. See Exhibits 4-7, 20, 31, 32, 39, and 40 for evidence satisfying the “first requirement,” the “second requirement,” and “third requirement” for proper venue per 28 U.S.C. §1400(b). See *In re Cray Inc.*, 871 F.3d 1362 (Fed. Cir. 2017) (“[W]hen determining venue, the first requirement is that there ‘must be a physical place in the district’....The second requirement for determining venue is that the place ‘must be a regular and established place of business’....[T]he third requirement when determining venue is that ‘the regular and established place of business’ must be ‘the place of the defendant.’”) (modified).



14. For example, and per Exhibits 4-7, DEFENDANT owns “Business Property” in this District.

15. Additionally, and per Exhibits 4-7, 20, and 31, DEFENDANT imports products using the ports of this District, and has owned and operated the “Business Property” in this District since “2016”.

16. Additionally, and per Exhibits 32, 39, and 40, DEFENDANT has had employees managing at least one warehouse in this DISTRICT since at least “May 2011,” and is actively seeking additional employee(s) in this DISTRICT.

GENERAL BACKGROUND

17. This is an action for Patent Infringement of U.S. Patent 11,054,118 (“PLAINTIFF’S Patent”) under 35 U.S.C. § 271 based on DEFENDANT’S unauthorized commercial using, offering for sale, and selling in and from the United States, and importing into the United States, DEFENDANT’S lighting products, directly, indirectly, and/or by equivalence, and/or by the inducing such infringement.

18. PLAINTIFF designs and sells, in the United States and worldwide, their patented lighting fixtures (“PLAINTIFF’S lighting products”), which are sold through manufacturers and/or by contacting PLAINTIFF through their website: www.dsaent.com. Screenshot of PLAINTIFF’S website are provided as Exhibit 3, wherein one screenshot from Exhibit 3 is captured by web.archive.org (“the Wayback Machine”) on July 23, 2021, and another screenshot was captured September 12, 2023.

19. PLAINTIFF’S officer, Mr. David Sherman, has decades of experience in the lighting industry, and his ingenuity, led him to invent the subject matter of PLAINTIFF’S PATENT. See Exhibit 1.

20. PLAINTIFF’S PATENT claims priority to provisional patent application no.: 62/673,595, filed May 18, 2018. See Exhibit 27.



21. PLAINTIFF'S PATENT has an earliest priority date of May 18, 2018, as indicated in Exhibit 27, which is a screenshot of Continuity Date for Patent Application 16/392,731 as provided by USPTO.gov.

22. PLAINTIFF'S PATENT was issued as a granted patent on July 6, 2021, naming Mr. David Sherman, officer of PLAINTIFF, as the inventor. See Exhibit 1.

23. PLAINTIFF'S officer, David Sherman, also earned international patents in Canada (CA3040941) and China (CN202020617429.6). These international patents claim similar subject matter to the PLAINTIFF'S PATENT.

24. Upon information and belief, *after* PLAINTIFF filed for PLAINTIFF'S PATENT, PLAINTIFF provided presentations to at least Home Depot, Lowe's, and Costco, in furtherance of soliciting these companies to purchase and/or and then retail, via their thousands of retail stores (*e.g.*, see Exhibit 28), PLAINTIFF'S lighting products that are the subject of PLAINTIFF'S PATENT.

25. Upon information and belief, and in response to PLAINTIFF'S presentations to buying staff for Home Depot, Lowe's, and Costco, the buying staff for these companies *expressed interest* in purchasing PLAINTIFF'S lighting products that are the subject of PLAINTIFF'S PATENT.

26. Subsequent to these presentations, DEFENDANT began infringing each and every claim of PLAINTIFF'S PATENT.

27. Claim mappings between DEFENDANT'S infringing products and PLAINTIFF'S PATENT are provided in Tables 1-~~125~~ below. See *infra* ¶¶ ~~88-102~~ pgs. ~~13-64~~.

28. SKUs / Part Numbers for ~~FIVE-THREE~~ of DEFENDANT'S products that are infringing PLAINTIFF'S PATENT are as follows:

1. 62885 / LEDSLMDNL8R1200ST9SC3TW

2. 62884 / LEDSLMDNL6R800ST9SC3TW

3. 62883 / LEDSLMDNL4R550ST9SC3TW

~~4. 62882 / LEDMD6R1200ST9SC3TW~~

~~5-62881-LEDMD4R800ST9SC3TW~~

29. Submitting any one of these product numbers or SKUs above into the search field at the top of the webpage located at the following URL, and selecting a resulting link that is provided in the “Product Search Results”, will provide access manuals and product information for a corresponding product. The referenced URL is:

<https://www.ledvanceus.com/search/Pages/default.aspx>

PLAINTIFF’S INITIAL MEETING WITH
LEDVANCE-PURCHASER: HOME DEPOT

30. Upon information and belief, PLAINTIFF provided a first presentation to Home Depot on or around April 2, 2019, about a year after the provisional filing date for PLAINTIFF’S PATENT. Sees Exhibit 8 and 27.

31. Content of this first presentation included descriptions of PLAINTIFF'S PATENT. The first slide of the first presentation is provided as Exhibit 8.

32. The first slide of the first presentation expressly indicated to Home Depot that PLAINTIFF’S PATENT was pending at the time of the presentation. See Exhibit 8.

33. Upon information and belief, PLAINTIFF provided a second presentation to Home Depot on or around August 27, 2019. Content of the second presentation included descriptions of the PLAINTIFF’s PATENT. The first slide of the second presentation is provided as Exhibit 9.

34. The first slide of the second presentation, again, indicated to Home Depot that PLAINTIFF’S PATENT was pending at the time of the presentation. See Exhibit 9.

35. Upon information and belief, and as provided in Exhibit 9, participants to the presentations included product managers employed by Home Depot such as, but not limited to “Craig Brown” (Craig Brown is believed to now be a former employee of both



Home Depot and Cooper Lighting). See Craig Brown's LinkedIn profile at the following URL: <https://www.linkedin.com/in/craig-brown-06247ab/>

36. Upon information and belief, PLAINTIFF participated in a separate meeting on April 2, 2019 with Cameron Skilling, a buyer or "Product Merchant" in "lighting" for Home Depot. See Cameron Skilling's LinkedIn profile at the following URL: <https://www.linkedin.com/in/cameron-skilling-354b7441/>

37. This separate meeting was also in furtherance of soliciting Home Depot to purchase PLAINTIFF'S products that are the subject of PLAINTIFF'S PATENT ("PLAINTIFF'S products"), and/or retail PLAINTIFF'S products in Home Depot's thousands of stores.

38. Upon information and belief, Craig Brown indicated, in response to PLAINTIFF'S PRESENTATION, that PLAINTIFF'S product (*i.e.*, the subject of PLAINTIFF'S PATENT) is different and unique relative to other products that suppliers previously showed to Craig Brown.

39. Upon information and belief, Craig Brown visited a foreign lighting manufacturer and employees of Home Depot's sister subsidiary in Asia, within about 3 months after PLAINTIFF'S second presentation (the presentation Craig Brown attended).

40. Home Depot is a buyer of DEFENDANT'S products, which are advertised under the brand name "Sylvania", as indicated in Exhibits 11 and 12, which are screenshots of Home Depot's website selling DEFENDANT'S products.

PLAINTIFF'S INITIAL MEETING WITH LEDVANCE-PURCHASER: LOWE'S

41. Upon information and belief, and as provided in Exhibit 10, PLAINTIFF provided a third presentation to the companies Lowe's and Rona (at the time, a subsidiary of Lowe's), on or around January 15, 2020, and after PLAINTIFF'S PATENT application was filed. Content of the third presentation included descriptions of PLAINTIFF'S PATENT. Slides from the third presentation are provided in Exhibit 10.



42. Upon information and belief, and as provided in Exhibit 10, participants to the third presentation included buying staff employed by the companies Rona and Lowe's such as, but not limited to, "Elaine Pellerin" and "Philippe Ciot."

43. Upon information and belief, Elaine Pellerin was also a chief procurement officer in lighting for RONA, which was acquired by Lowes Companies, Inc. on or before May 2016, prior to PLAINTIFF'S presentation to Lowe's. See, e.g., Rona's website:

<https://www.ronainc.ca/en/news/lowes-completes-acquisition-of-rona>. See, also, Elaine Pellerin's LinkedIn profile available the following URL:

<https://www.linkedin.com/in/elaine-pellerin-8875707a/>

44. Upon information and belief, Philippe Ciot was a marketing specialist of Lowe's Canada, a now-dissolved subsidiary of parent company, Lowe's Companies, Inc. See Philippe Ciot's LinkedIn profile at the following URL:

<https://www.linkedin.com/in/philippe-ciot-652a5b261/>

45. The third slide of the third presentation expressly indicated to the companies Lowe's and Rona that PLAINTIFF'S PATENT was pending at the time of the presentation. See Exhibit 10, at pg. 32 of the Exhibits.

46. The purpose of these presentations to Lowe's and Home Depot was to solicit these retailers (*i.e.*, importers/buyers of DEFENDANT'S products) to order PLAINTIFF'S lighting products from an authorized producer of PLAINTIFF'S lighting products and then retail the products via their thousands of retail stores (see, e.g., Exhibit 28).

47. The third presentation buying staff for Lowe's included *multiple* slides indicating PLAINTIFF'S PATENT was pending at the time of the third presentation. See, e.g., Exhibit 10, which is a slide from the third presentation and expressly provides a Notice of "Patent Pending" above an image of a version of PLAINTIFF'S lighting product.

48. Upon information and belief, Lowe's was aware of PLAINTIFF'S PATENT, during its pendency, and/or as of the date of the third presentation to Lowe's or shortly thereafter.

49. Exhibit 21 provides a screenshot of the Lowe’s website, via which a “Utilitech” “Item #5041630 Model #MQTL1183-LED12K9027” can be purchased. The Exhibit 21 screenshot was captured on or before January 11, 2024.

50. Exhibit 22 provides a screenshot of Lowe’s website, via which a “Utilitech” “Item #5041631 Model #MQTL1181-LED12K9027” can be purchased. The Exhibit 22 screenshot was captured on or before January 11, 2024.

51. Exhibit 23 provides a screenshot of Lowe’s website, via which a “Utilitech” “Item #5041632 Model #MQTL1182-LED12K9027” can be purchased. The Exhibit 23 screenshot was captured on or before May 8, 2023.

52. Exhibit 24 provides a screenshot of Lowe’s website, via which a “Utilitech” “Item #5041633 Model #MQTL1181-LED12K9027” can be purchased. The Exhibit 24 screenshot was captured on or before May 8, 2023.

53. Exhibit 25 provides a screenshot of Lowe’s website, via which a “Utilitech” “Item #5041634 Model #MQTL1181-LED12K9027” can be purchased. The Exhibit 25 screenshot was captured on or before May 8, 2023.

54. Exhibit 26 provides a screenshot of Lowe’s website indicating that Lowe’s alleged infringing products have been available since on or around September 5, 2022, less than 3 years after PLAINTIFF’S third presentation to Lowe’s.

LEDVANCE’S PRODUCT LAUNCH AFTER

PLAINTIFF’S PRESENTATIONS

55. On or around May 17, 2023, DEFENDANT announced their “May 2023 Product Launch” that included descriptions of DEFENDANT’S lighting products that infringe PLAINTIFF’S PATENT. A screenshot of the announcement from YouTube.com is found in Exhibit 13, which shows a snippet of a video available at the URL:

https://www.youtube.com/watch?v=EN6CcXA_QgU&t=1664s

56. The May 2023 Product Launch was also announced via a published PDF shown in Exhibit 14, which is believed to have been communicated to various lighting companies.



The published PDF includes additional descriptions of DEFENDANT’S lighting products that infringe PLAINTIFF’S PATENT. See Exhibit 14.

57. On or around August 21, 2023, DEFENDANT announced their “August 2023 Product Launch” that included descriptions of DEFENDANT’S other lighting products that infringe PLAINTIFF’S PATENT. Screenshots of this August announcement from YouTube.com are found in Exhibits 41-43, which show snippets and transcripts from a video available at the URL: <https://youtu.be/5ZLPAnYPWis?t=3144>

58. The August 2023 Product Launch was also announced via a published PDF shown in Exhibit 44, which is believed to have been communicated to various lighting companies. The published PDF includes additional descriptions of DEFENDANT’S other lighting products that infringe PLAINTIFF’S PATENT. See Exhibit 44.

~~59.— PLAINTIFF’S counsel test purchased DEFENDANT’S product “LEDVANCE Sylvania LEDMD/6R1200/ST9/SC3TW 6 in 14W LED Microdisk Downlight, 120V, Selectable CCT,” on August 3, 2023.~~

~~60.— PLAINTIFF’S counsel test purchased DEFENDANT’S product “LEDVANCE Sylvania LEDMD/4R800/ST9/SC3TW 4 in 10W LED TruWave Microdisk Downlight, 120V, Selectable CCT” on August 3, 2023.~~

~~61.~~59. PLAINTIFF’S counsel test purchased DEFENDANT’S “Sylvania 4” Truwave Slim Selectable Led Downlight,” part number “LEDMDNL4R550T9SC3TW”, and SKU number “SYL-6288~~35~~”, on December 14, 2023.

~~62.~~60. PLAINTIFF’S counsel test purchased DEFENDANT’S “Sylvania 6” Truwave Slim Selectable Led Downlight,” part number “LEDMDNL6R800ST9SC3TW”, and SKU number “SYL-62884”, on December 14, 2023.

~~63.~~61. PLAINTIFF’S counsel test purchased DEFENDANT’S “Sylvania 8” Truwave Slim Selectable Led Downlight,” part number “LEDMDNL8R1200ST9SC3TW”, and SKU number “SYL-62885”, on December 14, 2023.

64. ~~DEFENDANT’S lighting product LEDMD/6R1200/ST9/SC3TW was purchased from HomeElectrical at the following website URL, and as shown in Exhibit 18:~~

~~<https://www.homeelectrical.com/commercial-led-downlight/ledvance-sylvania-syl-62882.1.html>~~

65. ~~DEFENDANT’S lighting product LEDMD/4R800/ST9/SC3TW was purchased from HomeElectrical at the following website URL, and as shown in Exhibit 19:~~

~~<https://www.homeelectrical.com/commercial-led-downlight/ledvance-sylvania-syl-62881.1.html>~~

66-62. DEFENDANT’S lighting product LEDSLMDNL4R550ST9SC3TW was purchased from ProLighting.com at the following website URL, and as shown in Exhibit 35: <https://www.prolighting.com/syl-62883.html>

67-63. DEFENDANT’S lighting product LEDSLMDNL6R800ST9SC3TW was purchased from ProLighting.com at the following website URL, and as shown in Exhibit 36: <https://www.prolighting.com/syl-62884.html>

68-64. DEFENDANT’S lighting product LEDSLMDNL8R1200ST9SC3TW was purchased from ProLighting.com at the following website URL, and as shown in Exhibit 37: <https://www.prolighting.com/syl-62885.html>

69-65. Images of the products test purchased by PLAINTIFF’S counsel are shown in Tables 1-125 below. See *infra* pgs. 13-64.

70-66. DEFENDANT’S lighting products are “Made in China” and “[i]mported by” LEDVANCE, as indicated on packaging of DEFENDANT’S lighting products shown in Exhibits 15 and 38.

71-67. Images of packaging of DEFENDANT’S lighting products are shown in Exhibits 15, 16, and 38.

72-68. A third party elemental analysis of DEFENDANT’S infringing lighting product is provided in Exhibit 17, which shows a screenshot of a report from the elemental analysis.

1 73-69. Upon information and belief, documents that may assist with understanding the
 2 third party elemental analysis from Exhibit 17 are attached as Exhibits 33 and 34. These
 3 documents were provided by the company that performed by the third party elemental
 4 analysis.

5 74-70. Upon information and belief, the elemental analysis report indicates that certain
 6 white portions of DEFENDANT’S lighting products (*e.g.*, at least SKUs 62881 and
 7 62882) include metals such as, but not limited to Calcium, Magnesium, Aluminum,
 8 Potassium, Titanium, and Iron. *Id.* See, also, *e.g.*, Exhibit 17.

9 75-71. Regarding Column 1 of elemental analysis reports, Exhibit 34 indicates, “[i]f the
 10 name appears, the element is present. If the symbol appears, the element is not present
 11 at the specified detection limit.” (modified).

12 76-72. According to Bill of Ladings (MAEU229260456 / CHSL442021680SZN),
 13 DEFENDANT receives shipments of products of H.S. Code 8539.49 (*e.g.*, LED Lamps)
 14 from LEDVANCE CHINA, located at No. 1-1 Industrial Road North Chancheng
 15 District Foshan PRC., China. (See, *e.g.*, Exhibit 20 at pgs. 53-54).

16 77-73. Additionally, and as shown in Exhibit 20, shipments of products of H.S. Code
 17 8539.49 are received at DEFENDANT’S, “1651 South Archibald Avenue, United
 18 States”, which matches the address of their distribution center in San Bernadino County
 19 at 1651 S Archibald Ave, Ontario, CA 91761 (see, *e.g.*, Exhibits 4-7).

20 78-74. On August 14, 2023, PLAINTIFF sent two cease and desist letters to two different
 21 addresses for DEFENDANT via USPS Certified Mail. The cease and desist letter is
 22 attached as Exhibit 29.

23 79-75. The cease and desist letters included a copy of the title page of PLAINTIFF’S
 24 PATENT, images of DEFENDANT’S infringing products, and tables substantially
 25 similar to Tables 1-~~12~~5 provided below. See Exhibit 29.

1 ~~80.76~~. One of the two cease and desist letters were indicated as received by
 2 DEFENDANT on August 21, 2023 in Wilmington, MA, according to USPS tracking
 3 data.

4 ~~81.77~~. Upon information and belief, DEFENDANT did not provide PLAINTIFF a
 5 response to any of the cease and desist letters before the filing of this suit.

6 ~~82.78~~. Upon information and belief, DEFENDANT continued to willfully infringe
 7 PLAINTIFF'S PATENT after receiving the cease and desist letters, in violation of 35
 8 U.S.C. §§ 271 and 284.

9 PATENT INFRINGEMENT

10 BY LEDVANCE

11 ~~83.79~~. PLAINTIFF repeats and realleges paragraphs 1-~~78~~~~82~~ of this Complaint, as if fully
 12 set forth herein.

13 ~~84.80~~. DEFENDANT is infringing each and every Claim (see *infra* Tables 1-~~125~~) of the
 14 PLAINTIFF'S PATENT, by DEFENDANT'S direct, indirect, and/or by equivalence,
 15 using, selling, and offering for sale in and from the United States, and/or importing into
 16 the United States, DEFENDANT'S lighting products, and/or by inducing such
 17 infringement.

18 ~~85.81~~. PLAINTIFF'S PATENT was duly and legally issued on July 6, 2021, and names
 19 David Sherman as the inventor. Attached as Exhibit 1 is a true and correct copy of the
 20 PLAINTIFF's Patent.

21 ~~86.82~~. PLAINTIFF'S PATENT claims priority to Provisional Patent Application No.:
 22 62/673,595 filed May 18, 2018. See Exhibit 27.

23 ~~87.83~~. PLAINTIFF is the owner of the entire right, title, and interest in and to the validly
 24 issued PLAINTIFF'S PATENT, which was assigned to PLAINTIFF by an Assignment.
 25 A copy of the Assignment is provided as Exhibit 2.

26 ~~88.84~~. Tables 1-~~125~~ include images of DEFENDANT'S infringing products and
 27 instruction manuals that are sold with DEFENDANT'S lighting products.

~~89.85.~~ Tables 1-5 below include a mapping between elements of Claims 1-5, respectively, of PLAINTIFF'S PATENT and DEFENDANT'S 8" lighting product ITEM: 62885 / Model No.: LEDSLMDNL8R1200ST9SC3TW.

~~90.86.~~ Tables 6-10 below include a mapping between elements of Claims 1-5, respectively, of PLAINTIFF'S PATENT and DEFENDANT'S 6" lighting product ITEM: 62883 / Model No.: LEDSLMDNL4R550ST9SC3TW

~~91.87.~~ Tables 11-15 below include a mapping between elements of Claims 1-5, respectively, of PLAINTIFF'S PATENT and DEFENDANT'S 4" lighting product ITEM: 62884 / Model No.: LEDSLMDNL6R800ST9SC3TW.

~~92. — Tables, 16-20 below include a mapping between elements of Claims 1-5, respectively of PLAINTIFF'S PATENT and DEFENDANT'S lighting product ITEM: 62882 / Model No.: LEDMD6R1200ST9SC3TW.~~

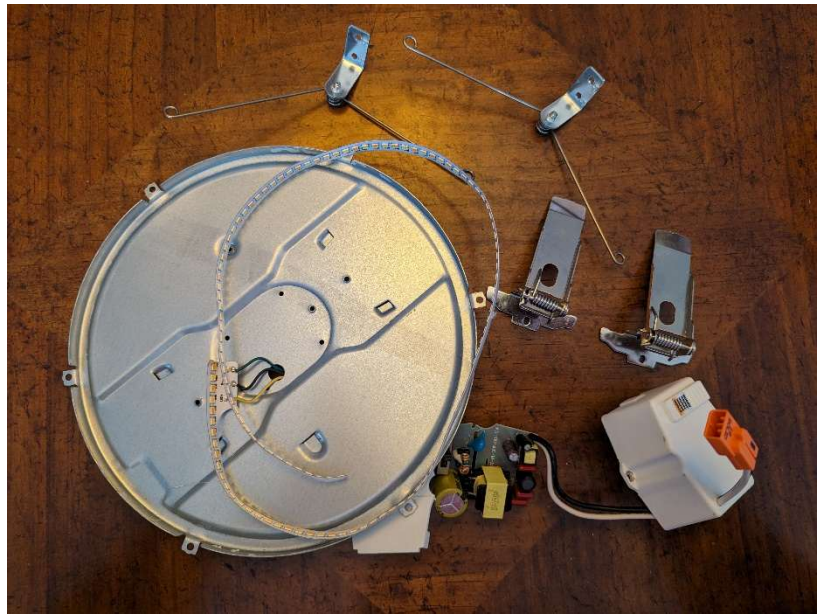
~~93. — Tables 21-25 below include a mapping between elements of Claims 1-5, respectively, of PLAINTIFF'S PATENT and DEFENDANT'S lighting product ITEM: 62881 / Model No.: LEDMD4R800ST9SC3TW.~~

~~94.88.~~ TABLE 1:

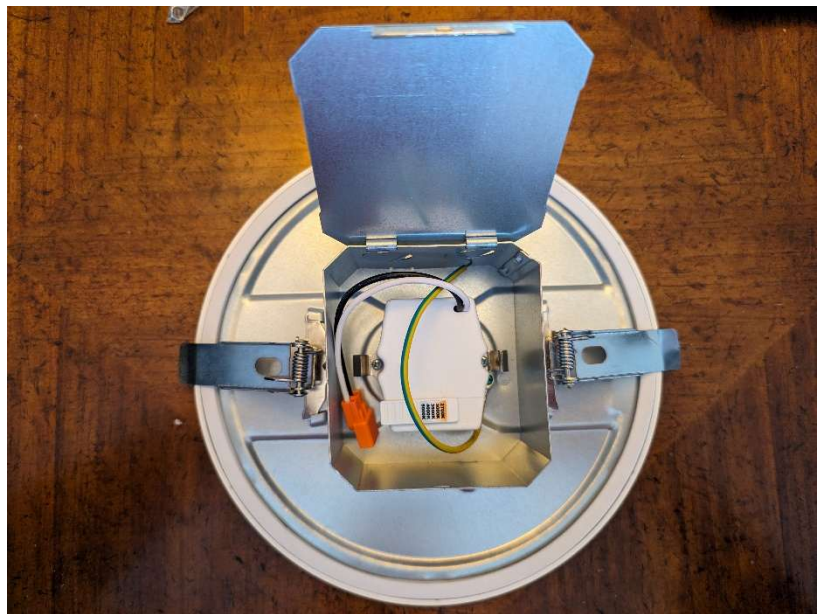
<u>Claim 1 from PLAINTIFF's Patent</u>	Images of product and manual from Sylvania and LEDVANCE: ITEM: 62885 / Model No.: LEDSLMDNL8R1200ST9SC3TW
1. An apparatus to detachably attach an LED light fixture to at least one of a ceiling, and a recessed lighting fixture housing, the apparatus comprises:	See Attached Images.



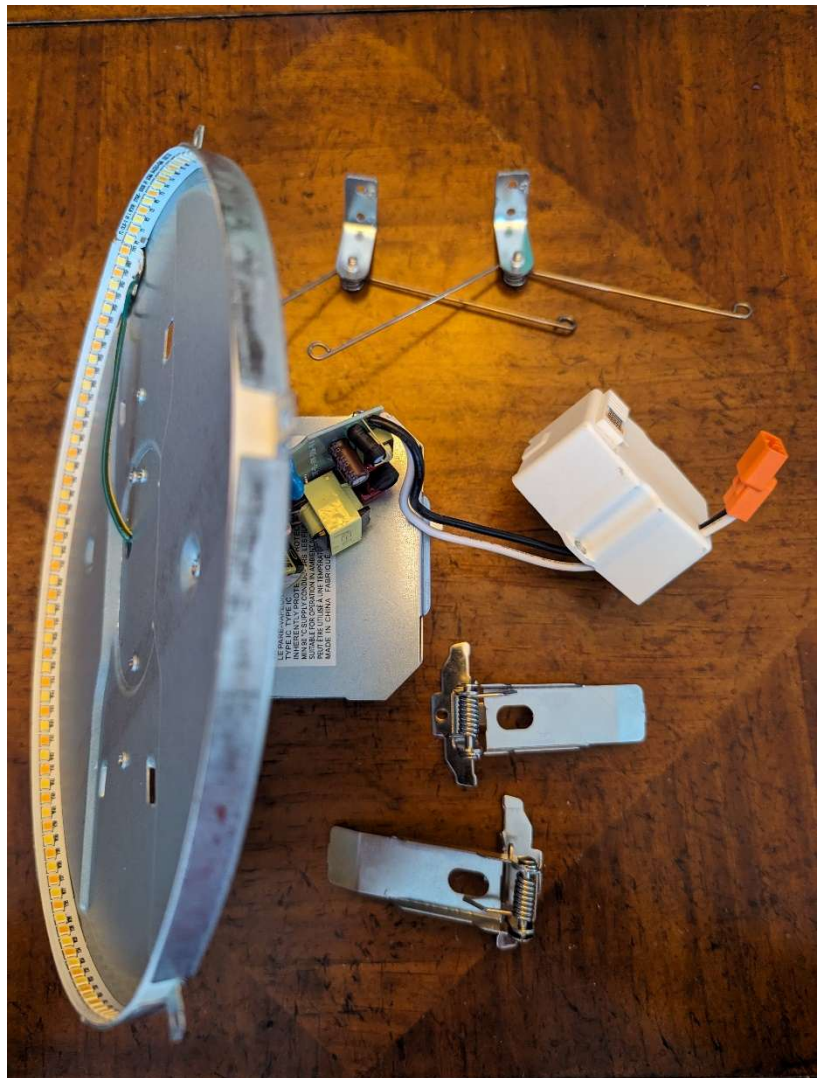
1 a plurality of retrofit clips
 2 (102) adaptable to attach with
 3 a body of the LED light fixture
 4 by screwing them into a
 5 plurality of screw holes (110);



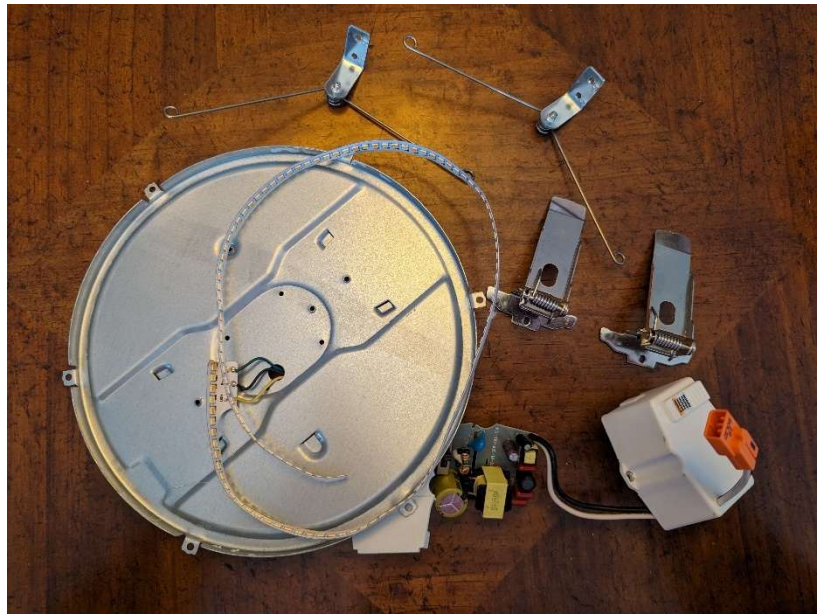
11 a plurality of new construction
 12 clips (104);



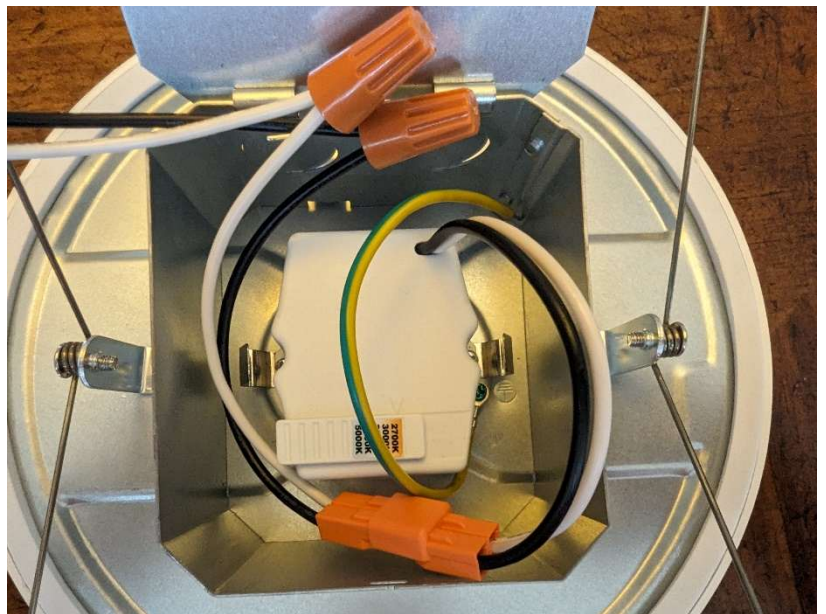
a plurality of connecting posts
(106) to hold the new
construction clips (104);



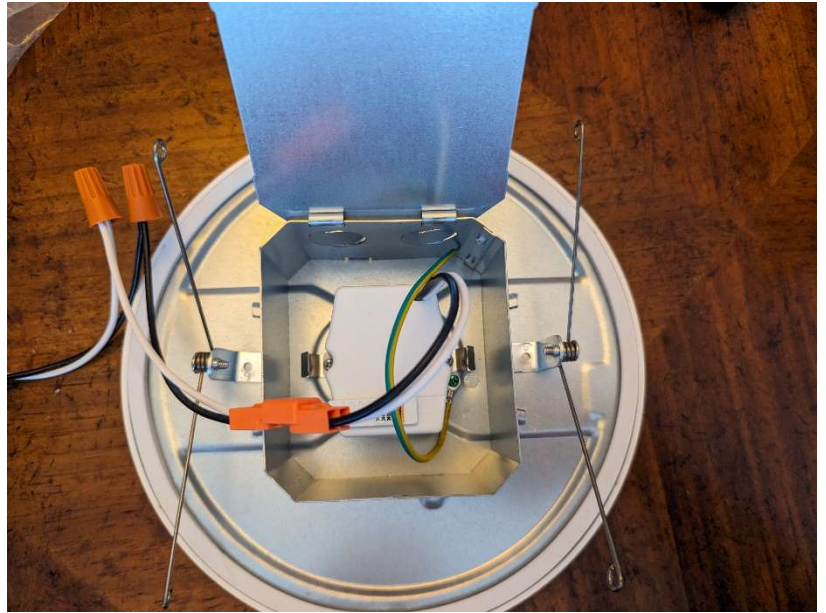
a metal housing (108) to embody a complete fixture (112);



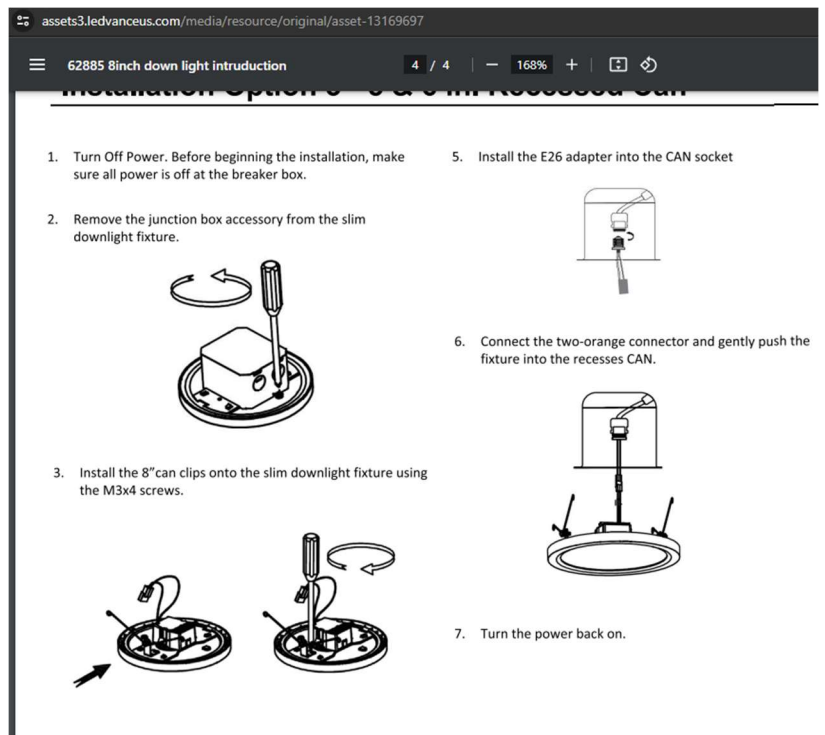
a junction box (116) to hold a plurality of connection wirings, wherein the junction box (116) comprises a plurality of output wires; and



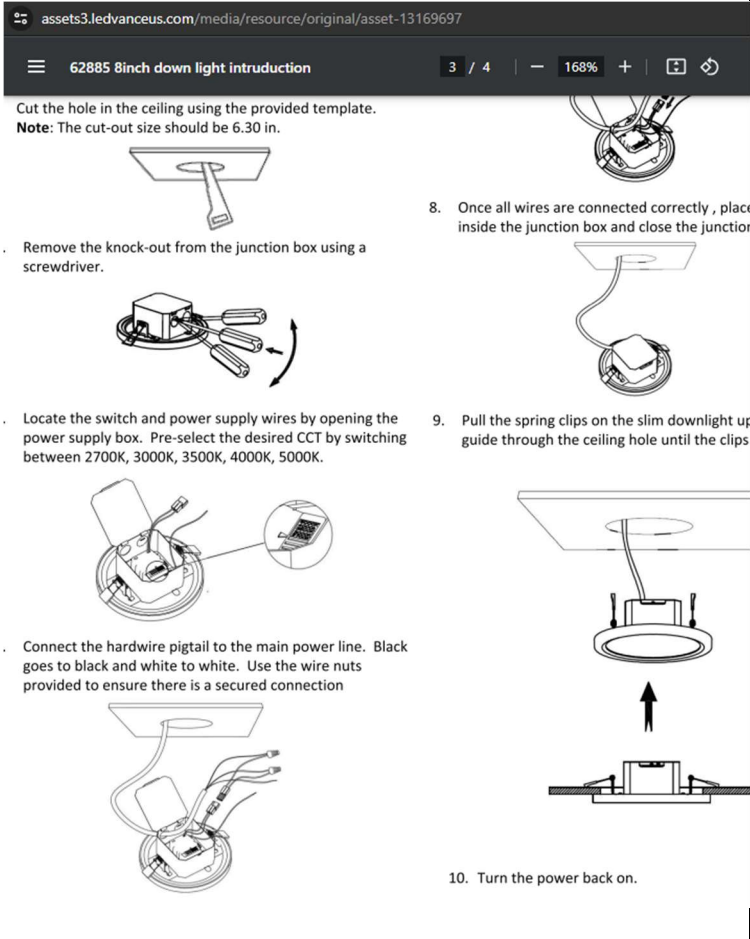
a twist connector (118) to attach the output wires of the junction box (116) to the metal housing (108),



wherein the retrofit clips (102) make a friction fit inside the recessed lighting fixture housing to secure the complete fixture (112) inside,



wherein the new construction clips (104) are attached to the connecting posts (106) if the recessed lighting fixture housing is not present.

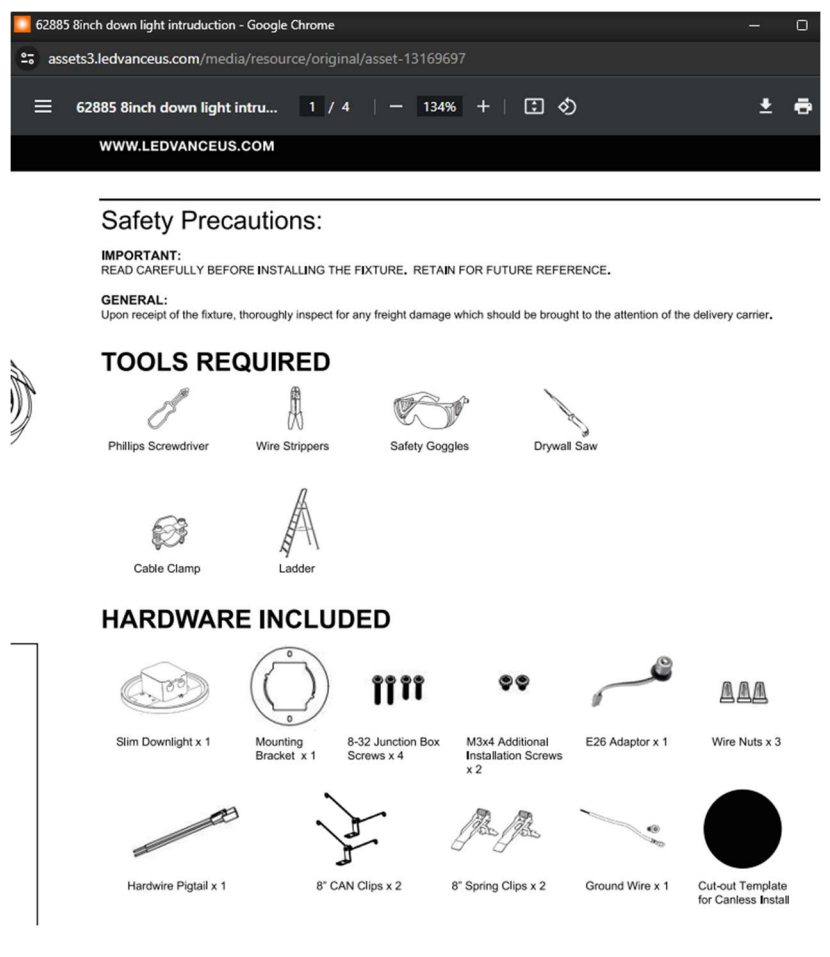


95-89.

TABLE 2:

<p><u>Claim 2 from PLAINTIFF's Patent</u></p>	<p>Images of product and manual from Sylvania and LEDVANCE:</p> <p>ITEM: 62885 / Model No.:</p> <p>LEDMDNL8R1200ST9SC3TW</p>
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2. The apparatus according to claim 1 comprises a socket adapter (114) to replace a light bulb in the recessed lighting fixture housing.

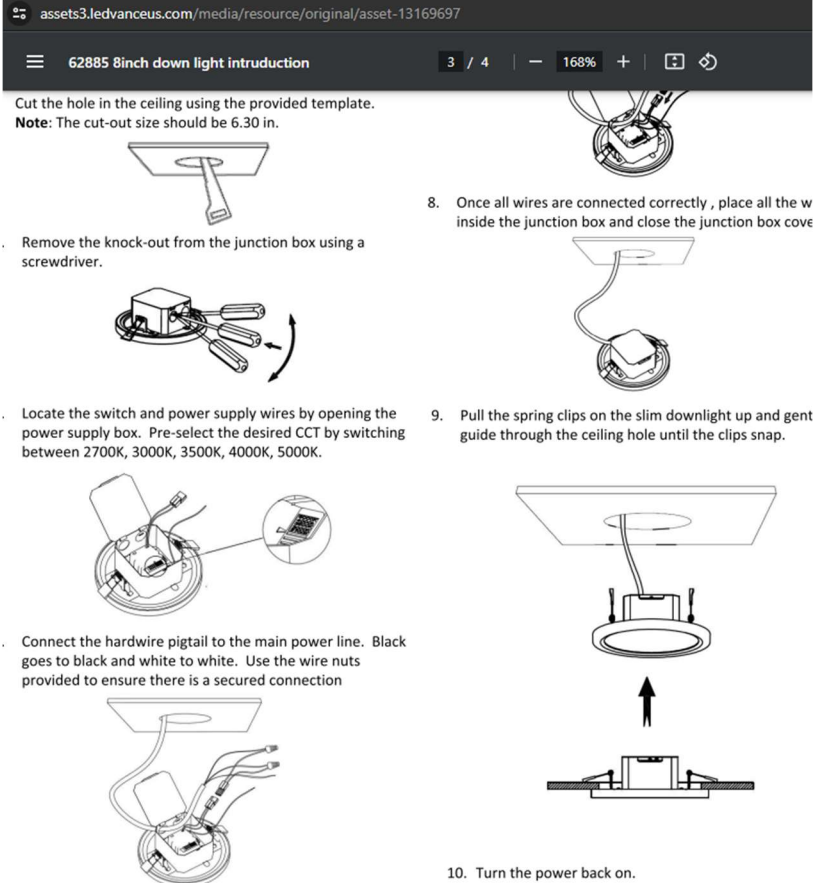


96-90.

TABLE 3:

<p><u>Claim 3 from PLAINTIFF's Patent</u></p>	<p>Images of product and manual from Sylvania and LEDVANCE:</p> <p>ITEM: 62885 / Model No.:</p> <p>LEDSLMDNL8R1200ST9SC3TW</p>
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3. The apparatus according to claim 1, wherein the new construction clips (104) squeeze ceiling material placed between the new construction clips (104) and an extremity of the metal housing (108).

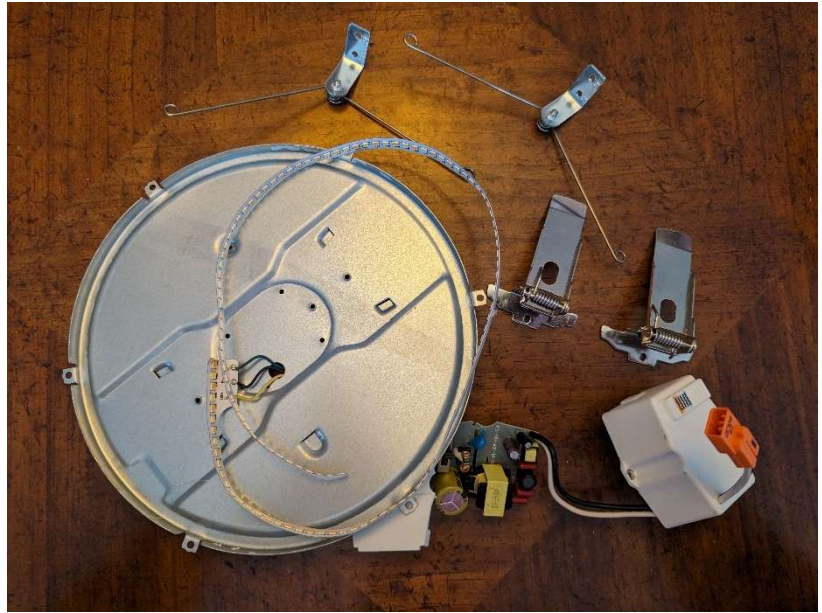


97.91.

TABLE 4:

<p><u>Claim 4 from PLAINTIFF's Patent</u></p>	<p>Images of product and manual from Sylvania and LEDVANCE:</p> <p>ITEM: 62885 / Model No.:</p> <p>LEDSLMDNL8R1200ST9SC3TW</p>
---	--

4. The apparatus according to claim 1, wherein the complete fixture (112) comprises a plurality electrical systems, clips, and accessories.



98.92.

TABLE 5:

Claim 5 from PLAINTIFF's Patent

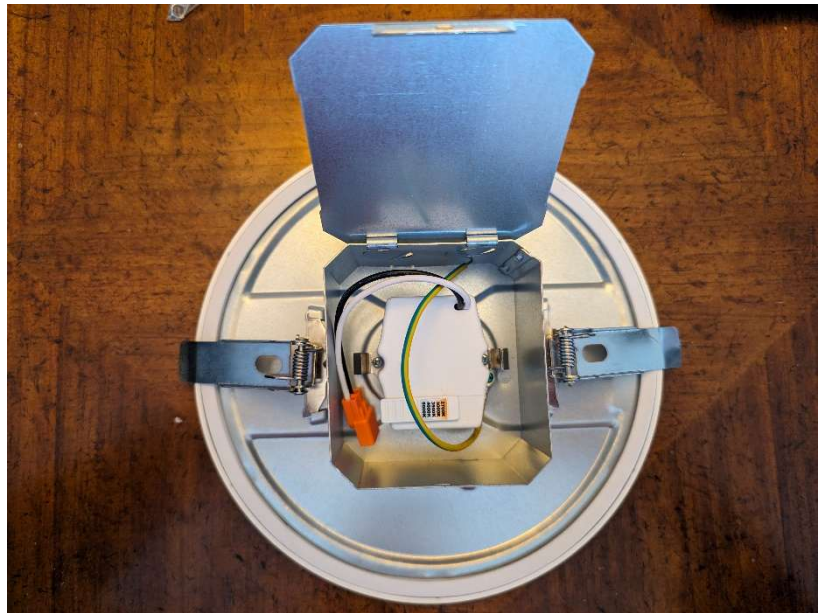
Images of product and manual from Sylvania and LEDVANCE:

ITEM: 62885 / Model No.:

LEDRLMDNL8R1200ST9SC3TW



5. The apparatus according to claim 1, wherein the junction box (116) allows an LED driver to be installed and comprises a predefined area to attach a plurality of wires.



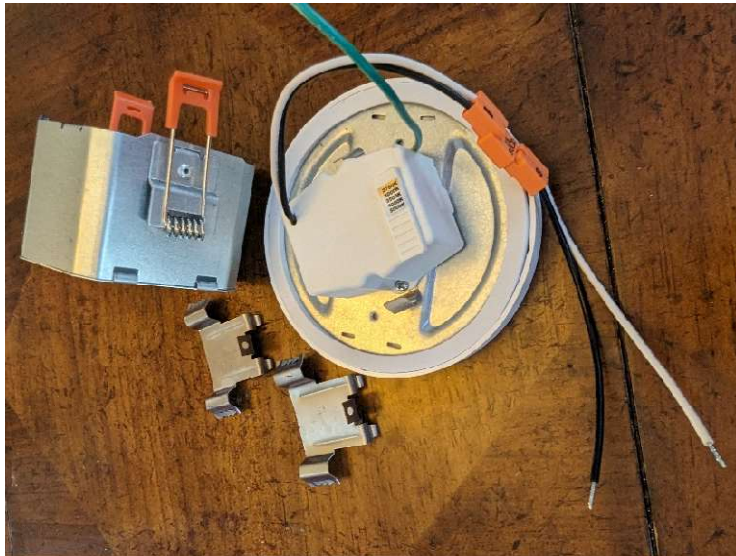
99.93.

TABLE 6:

<p><u>Claim 1 from the PLAINTIFF's Patent</u></p>	<p>Images of product and manual from Sylvania and LEDVANCE: ITEM: 62883 / Model No.: LEDSDLMDNL4R550ST9SC3TW</p>
<p>1. An apparatus to detachably attach an LED light fixture to at least one of a ceiling, and a recessed lighting fixture housing, the apparatus comprises:</p>	<p>See Attached Images.</p>



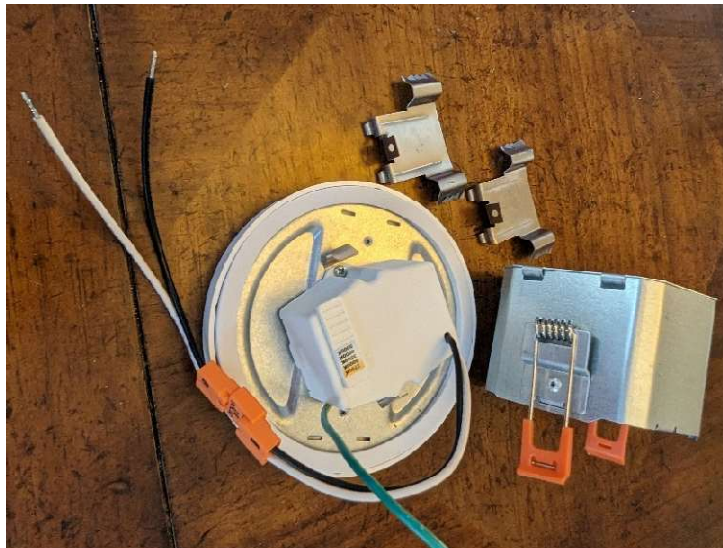
1 a plurality of retrofit clips
 2 (102) adaptable to attach
 3 with a body of the LED
 4 light fixture by screwing
 5 them into a plurality of
 6 screw holes (110);



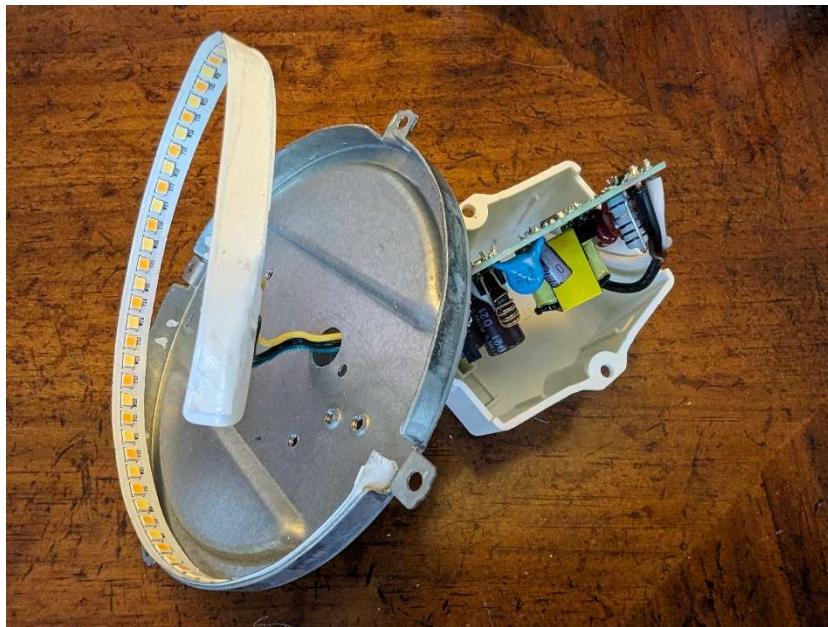
11 a plurality of new
 12 construction clips (104);

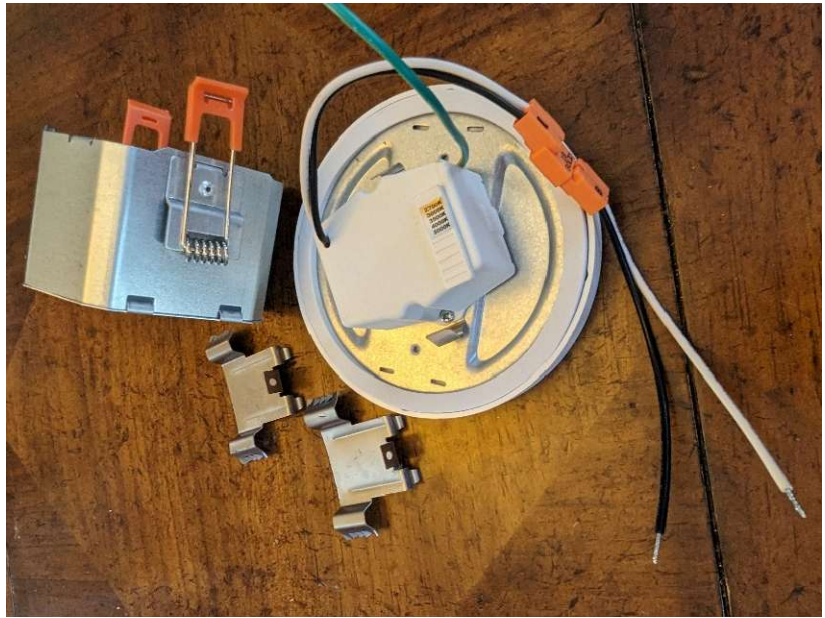


1 a plurality of connecting
2 posts (106) to hold the
3 new construction clips
4 (104);
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10 a metal housing (108) to
11 embody a complete
12 fixture (112);
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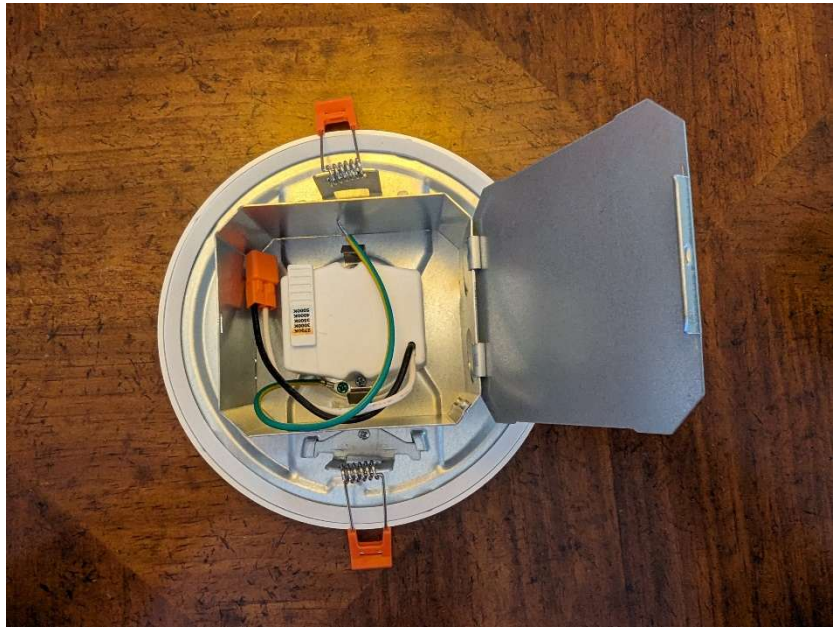




a junction box (116) to hold a plurality of connection wirings, wherein the junction box (116) comprises a plurality of output wires; and

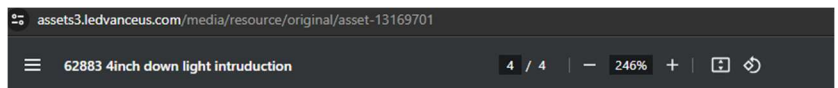
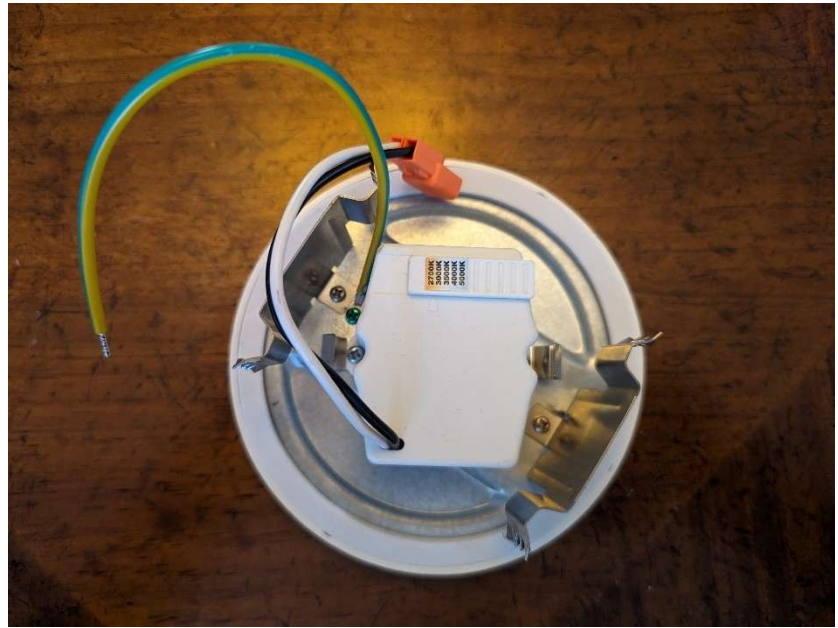


1 a twist connector (118) to
2 attach the output wires of
3 the junction box (116) to
4 the metal housing (108),
5
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11

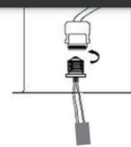




wherein the retrofit clips (102) make a friction fit inside the recessed lighting fixture housing to secure the complete fixture (112) inside,



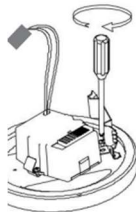
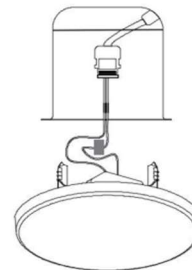
om the slim



6. Connect the two-orange connector and gently push the fixture into the recesses CAN.

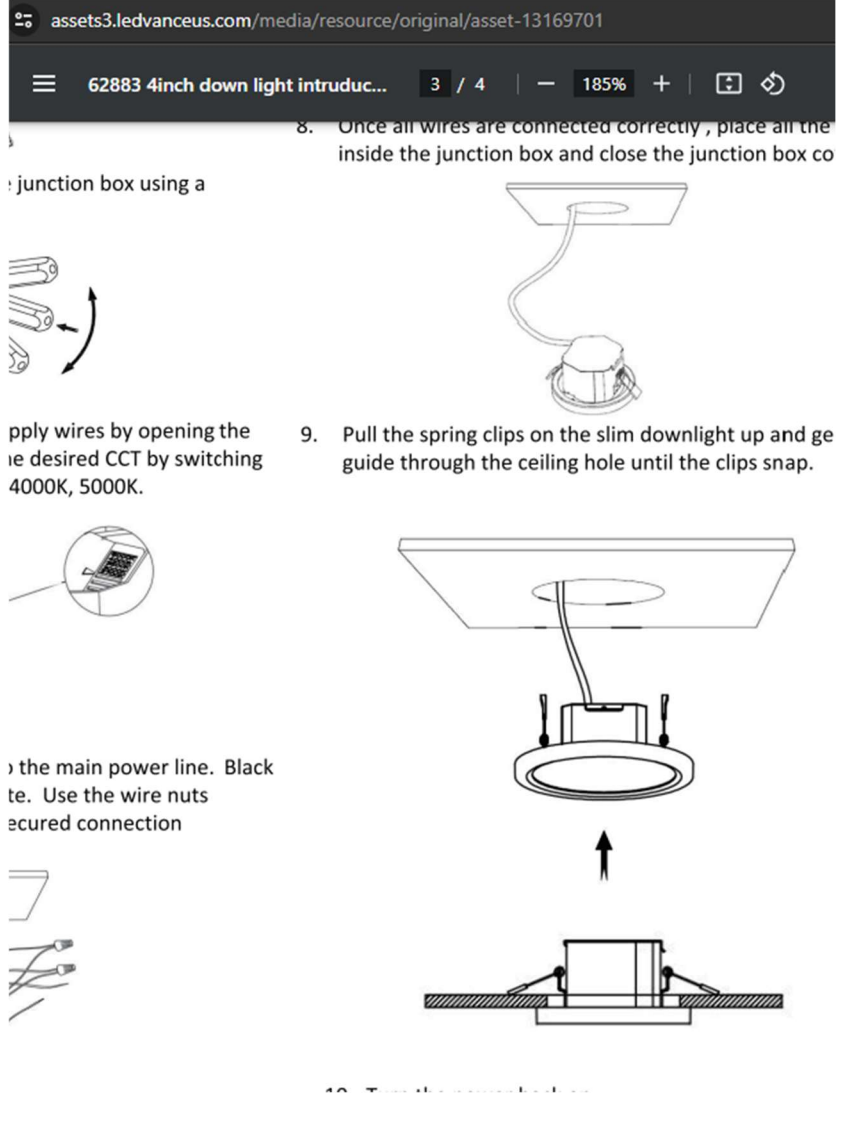


ownlight fixture using

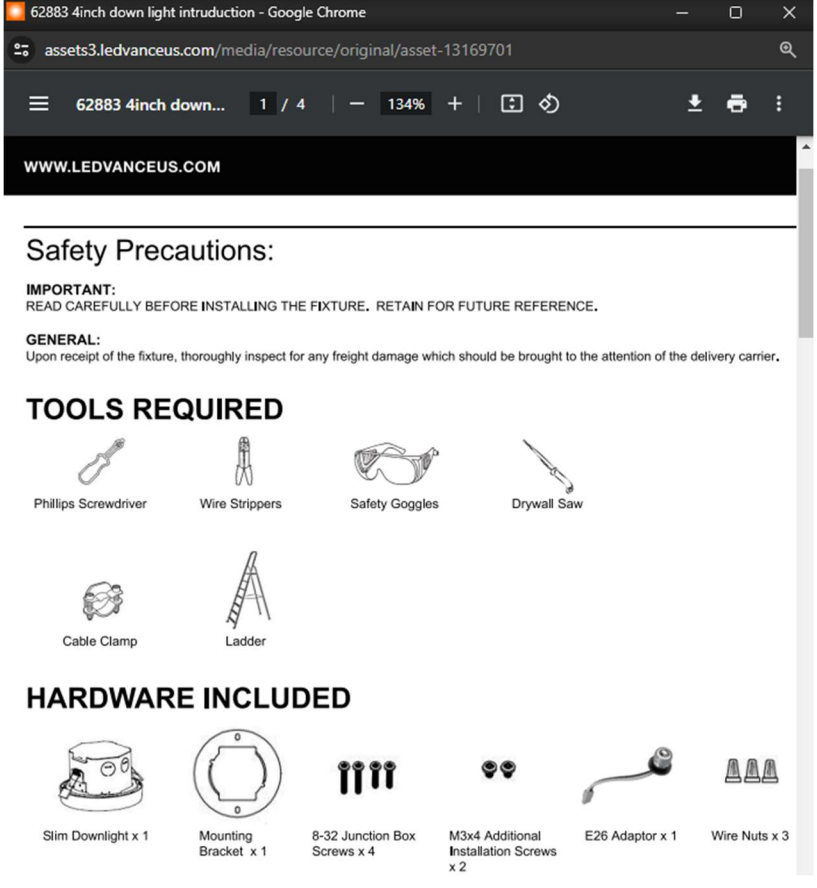


7. Turn the power back on.

wherein the new construction clips (104) are attached to the connecting posts (106) if the recessed lighting fixture housing is not present.



~~100.94.~~TABLE 7:

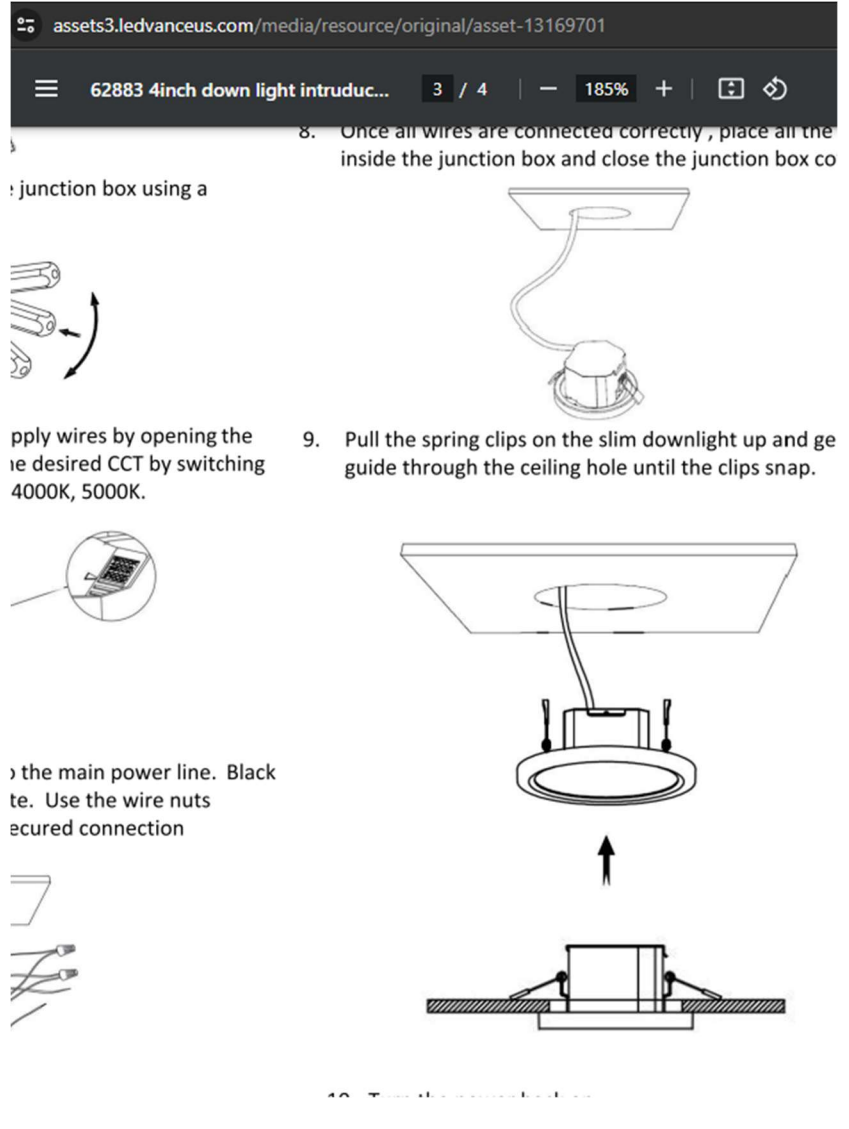
<p><u>Claim 2 from PLAINTIFF's Patent</u></p>	<p>Images of product and manual from Sylvania and LEDVANCE:</p> <p>ITEM: 62883 / Model No.: LEDSLMDNL4R550ST9SC3TW</p>
<p>2. The apparatus according to claim 1 comprises a socket adapter (114) to replace a light bulb in the recessed lighting fixture housing.</p>	

~~101.95.~~TABLE 8:

<p><u>Claim 3 from PLAINTIFF's Patent</u></p>	<p>Images of product and manual from Sylvania and LEDVANCE:</p> <p>ITEM: 62883 / Model No.: LEDSLMDNL4R550ST9SC3TW</p>
---	--



3. The apparatus according to claim 1, wherein the new construction clips (104) squeeze ceiling material placed between the new construction clips (104) and an extremity of the metal housing (108).

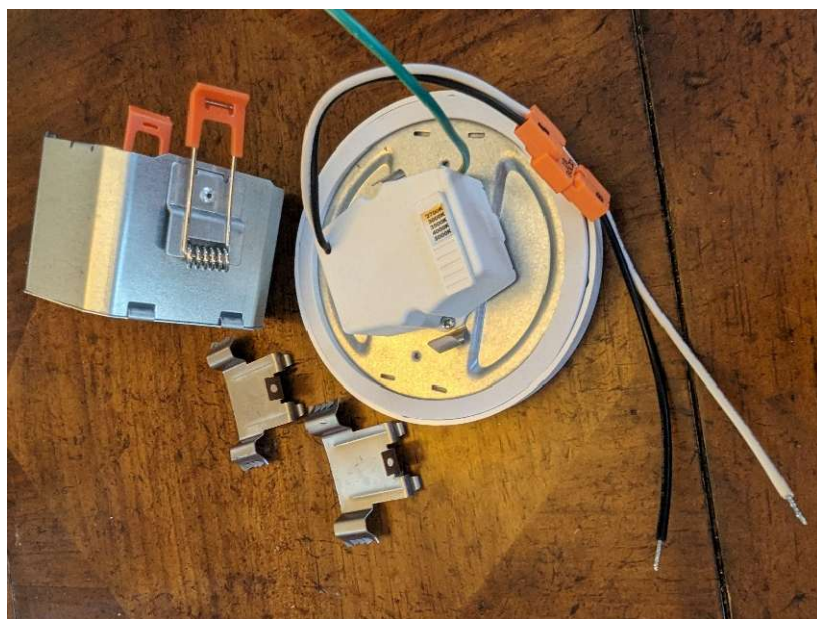
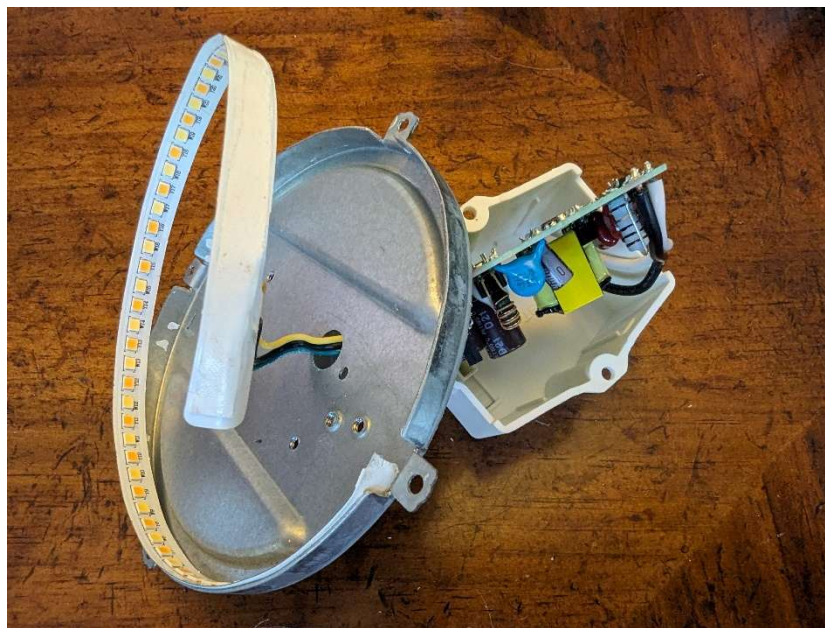


102.96.

TABLE 9:

<p><u>Claim 4 from PLAINTIFF's Patent</u></p>	<p>Images of product and manual from Sylvania and LEDVANCE:</p> <p>ITEM: 62883 / Model No.:</p> <p>LEDSLMDNL4R550ST9SC3TW</p>
---	---

4. The apparatus according to claim 1, wherein the complete fixture (112) comprises a plurality electrical systems, clips, and accessories.



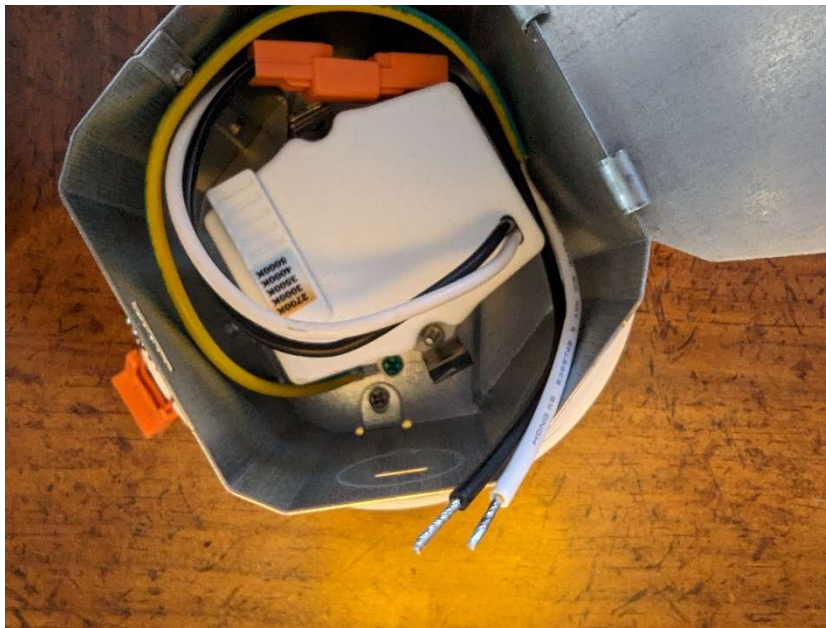
103.97.

TABLE 10:

Claim 5 from PLAINTIFF's Patent

Images of product and manual from Sylvania and LEDVANCE:
ITEM: 62883 / Model No.:
LED5LMDNL4R550ST9SC3TW

5. The apparatus according to claim 1, wherein the junction box (116) allows an LED driver to be installed and comprises a predefined area to attach a plurality of wires.



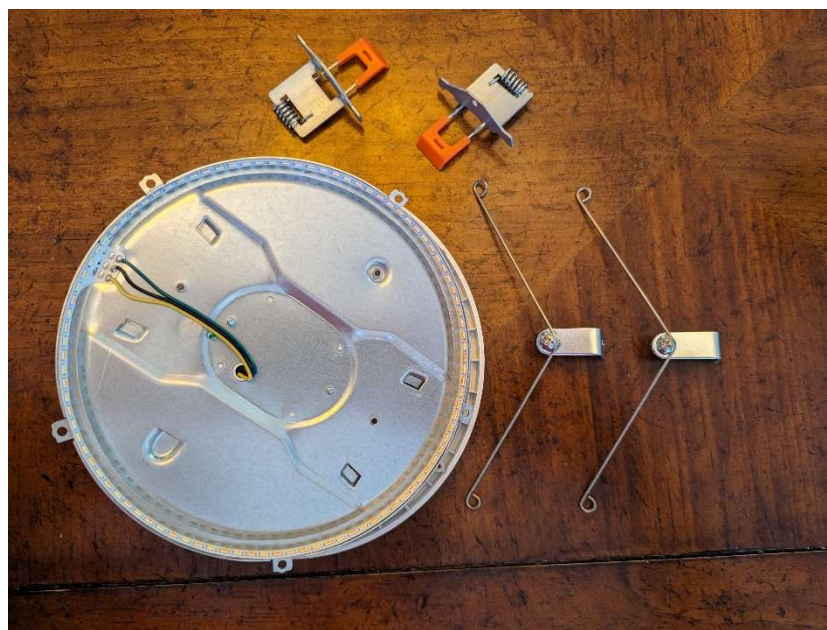
104.98.

TABLE 11:

<p><u>Claim 1 from the PLAINTIFF's Patent</u></p>	<p>Images of product and manual from Sylvania and LEDVANCE: ITEM: 62884 / Model No.: LEDSLMDNL6R800ST9SC3TW</p>
<p>1. An apparatus to detachably attach an LED light fixture to at least one of a ceiling, and a recessed lighting fixture housing, the apparatus comprises:</p>	<p>See Attached Images.</p>



a plurality of retrofit clips (102) adaptable to attach with a body of the LED light fixture by screwing them into a plurality of screw holes (110);














assets3.ledvanceus.com/media/resource/original/asset-13169700

62884 6inch down light intr... 1 / 4 134%

Cable Clamp Ladder

HARDWARE INCLUDED

 Slim Downlight x 1	 Mounting Bracket x 1	 8-32 Junction Box Screws x 4	 M3x4 Additional Installation Screws x 2	 E26 Adaptor x 1	 Wire Nuts x 3
 Hardwire Pigtail x 1	 6" CAN Clips x 2	 6" Spring Clips x 2	 Ground Wire x 1	 Cut-out Template for Canless Install	

Trouble Shooting Checklist

- Check your power source.
- Check electrical connection.

4141495

Imported by
LEDVANCE
1100 Tropic Pkwy
Versailles, KY 40383

Imported per
LEDVANCE
5450 Eglinton Drive
Mississauga, Ontario L4B 5H1

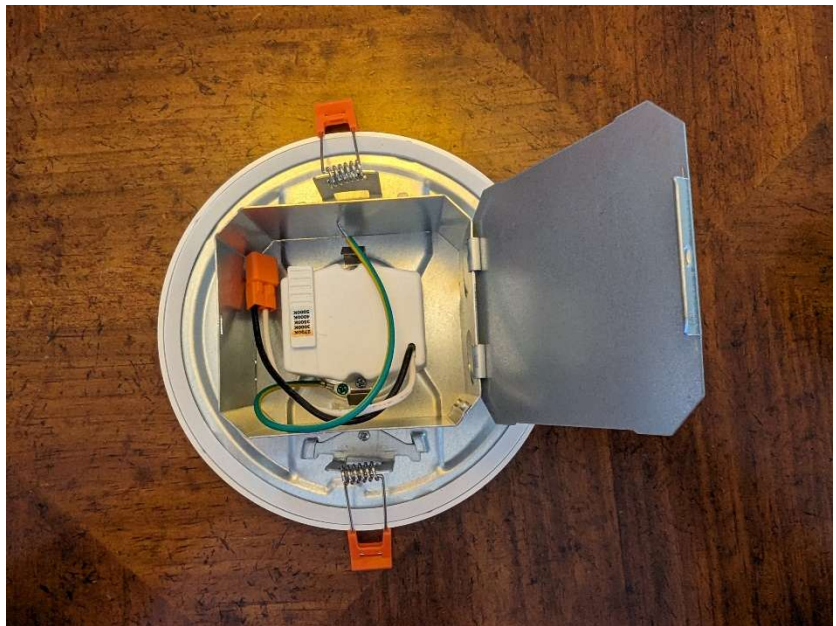
1-800-LEDVANCE (1-800-544-4628)
www.ledvance.com (US & Canada)
LEDVANCE is a registered trademark.
LEDVANCE is not a service mark.



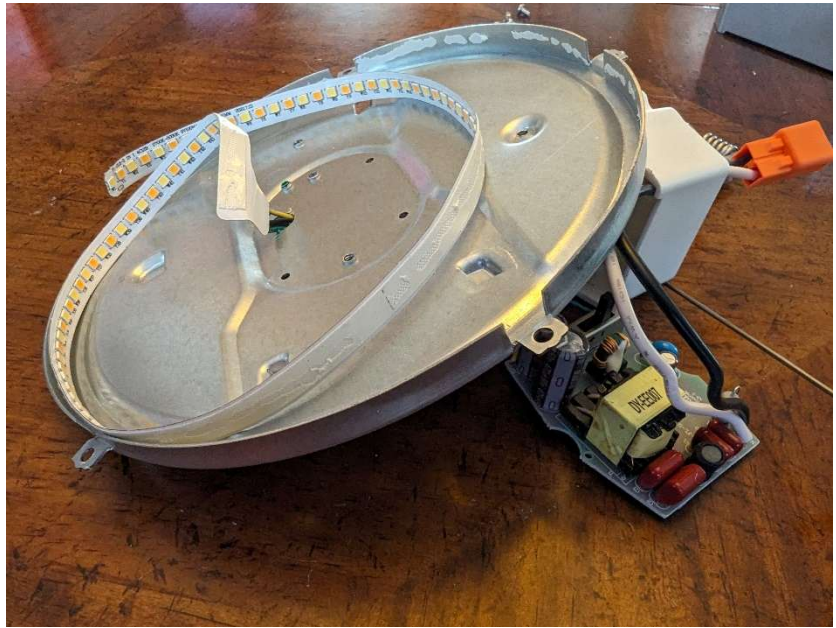
a plurality of new construction clips (104);



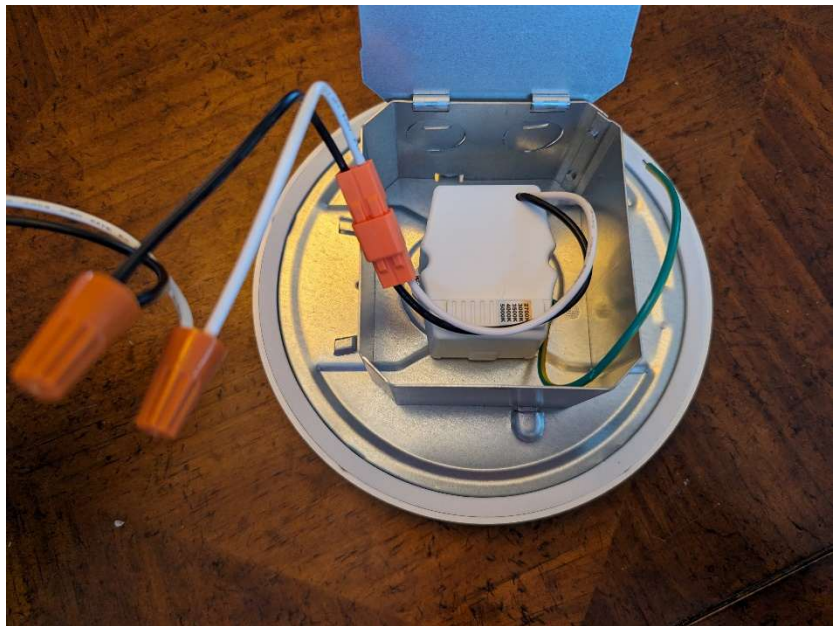
a plurality of connecting posts (106) to hold the new construction clips (104);



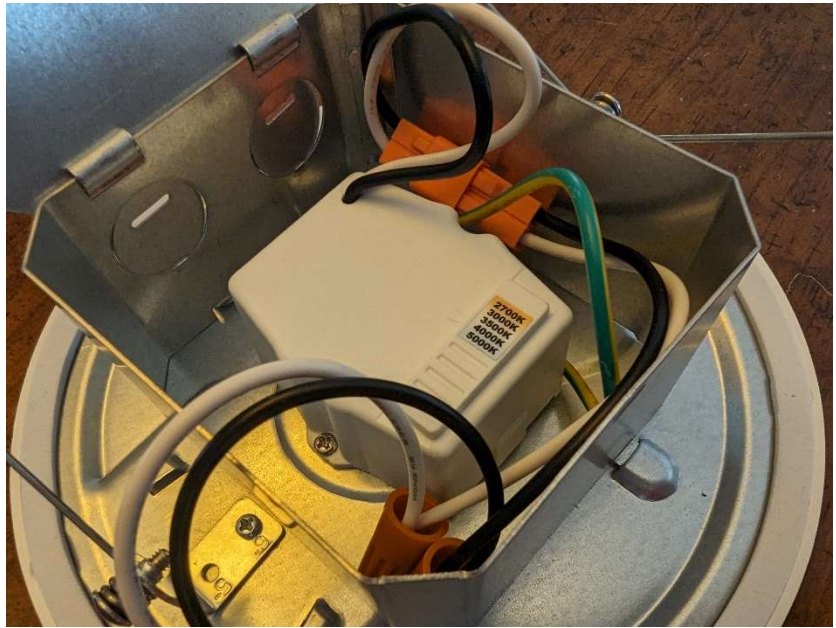
1 a metal housing (108) to
2 embody a complete
3 fixture (112);



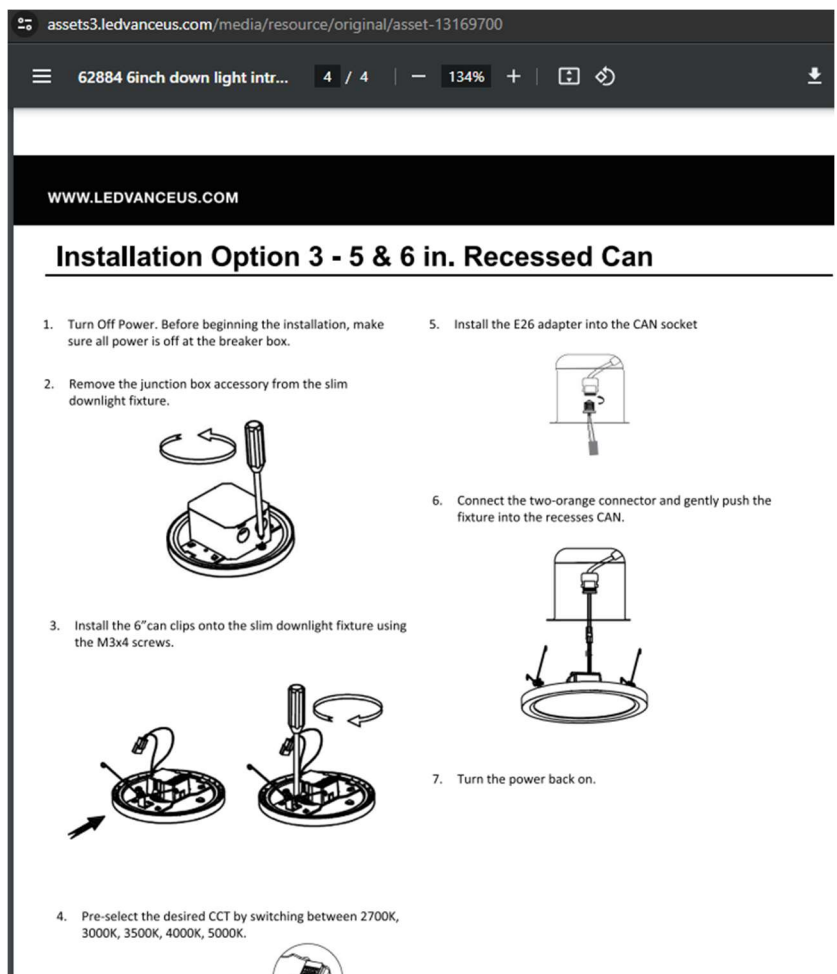
11 a junction box (116) to
12 hold a plurality of
13 connection wirings,
14 wherein the junction box
15 (116) comprises a
16 plurality of output wires;
17 and



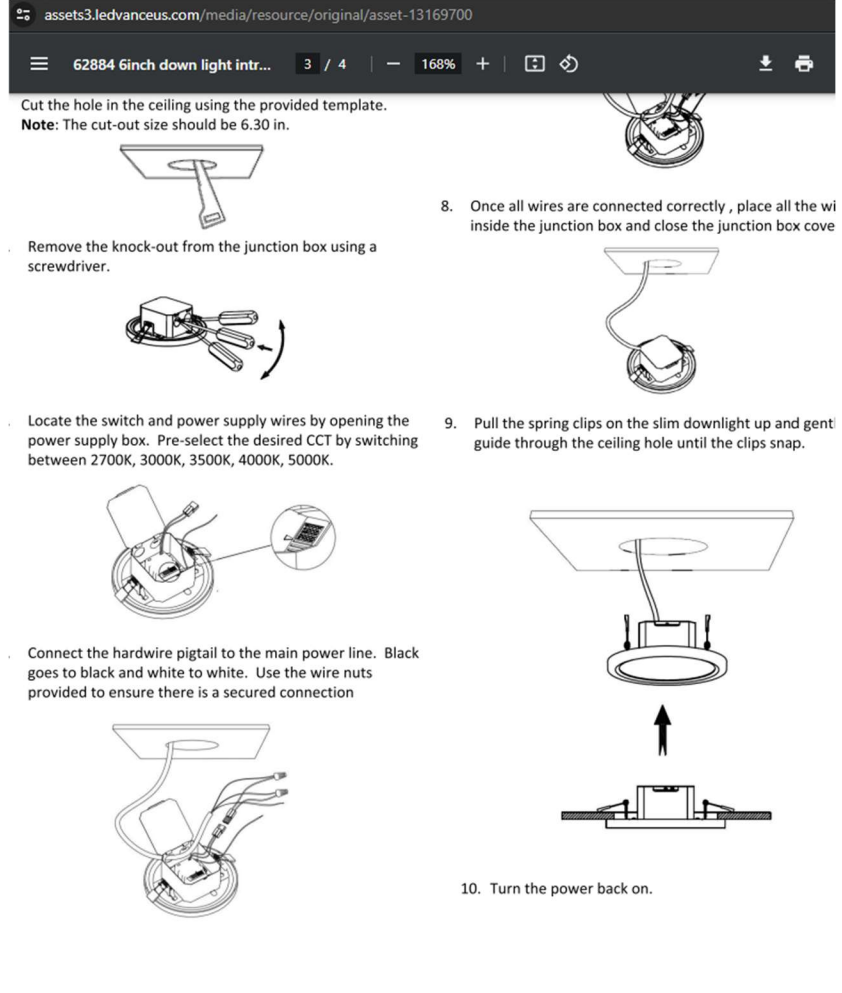
a twist connector (118) to attach the output wires of the junction box (116) to the metal housing (108),



wherein the retrofit clips (102) make a friction fit inside the recessed lighting fixture housing to secure the complete fixture (112) inside,



wherein the new construction clips (104) are attached to the connecting posts (106) if the recessed lighting fixture housing is not present.

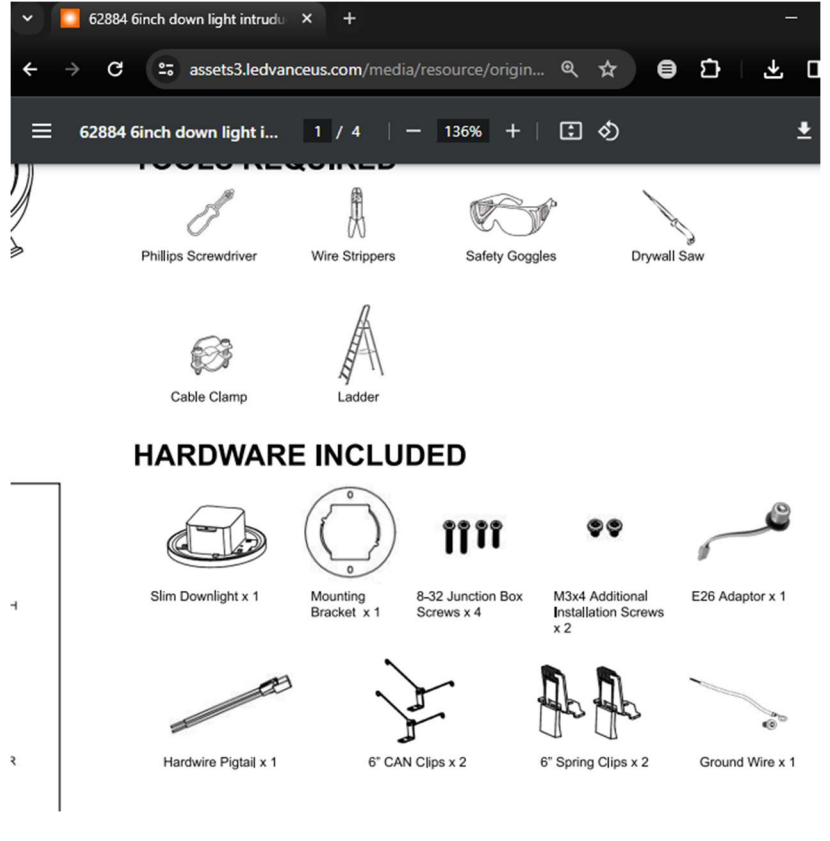


105.99.

TABLE 12:

Claim 2 from PLAINTIFF's Patent	Images of product and manual from Sylvania and LEDVANCE: ITEM: 62884 / Model No.: LEDMDNL6R800ST9SC3TW
---------------------------------	--

2. The apparatus according to claim 1 comprises a socket adapter (114) to replace a light bulb in the recessed lighting fixture housing.



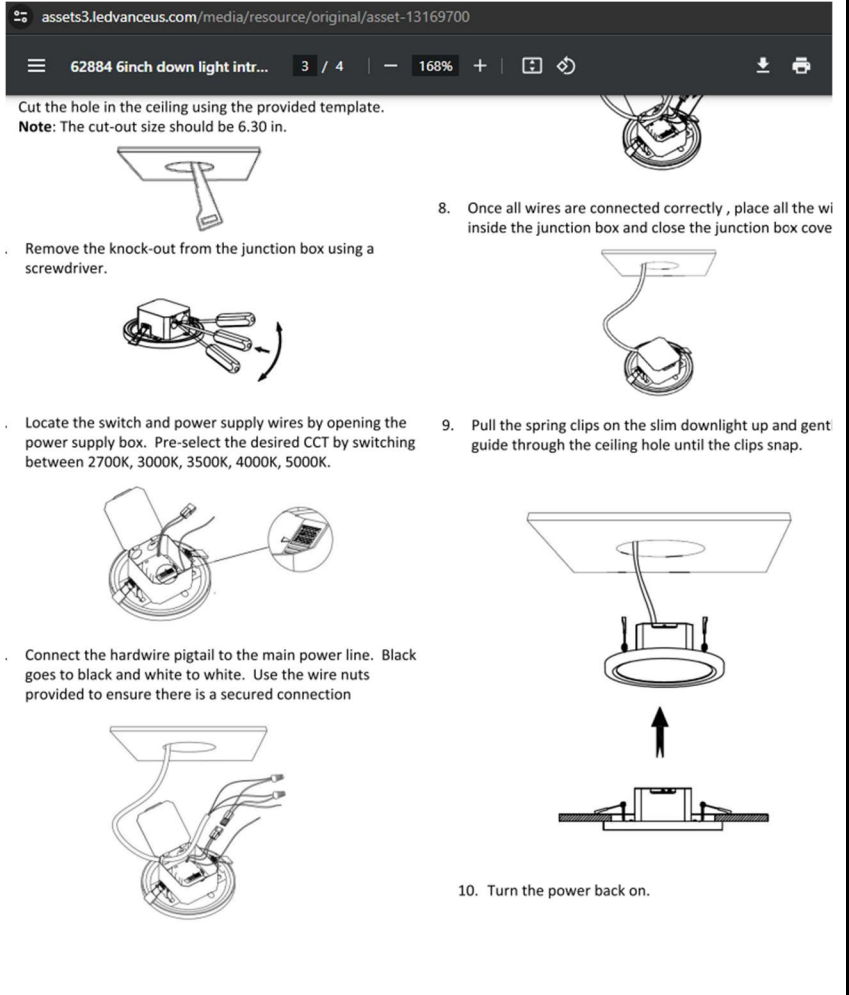
106.100.

TABLE 13:

<p><u>Claim 3 from PLAINTIFF's Patent</u></p>	<p>Images of product and manual from Sylvania and LEDVANCE: ITEM: 62884 / Model No.: LEDSLMDNL6R800ST9SC3TW</p>
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3. The apparatus according to claim 1, wherein the new construction clips (104) squeeze ceiling material placed between the new construction clips (104) and an extremity of the metal housing (108).

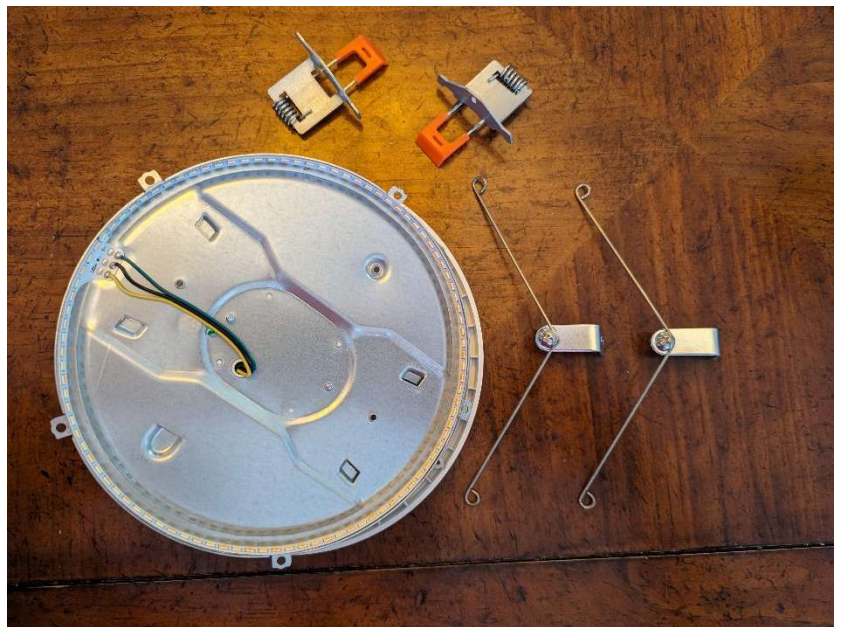
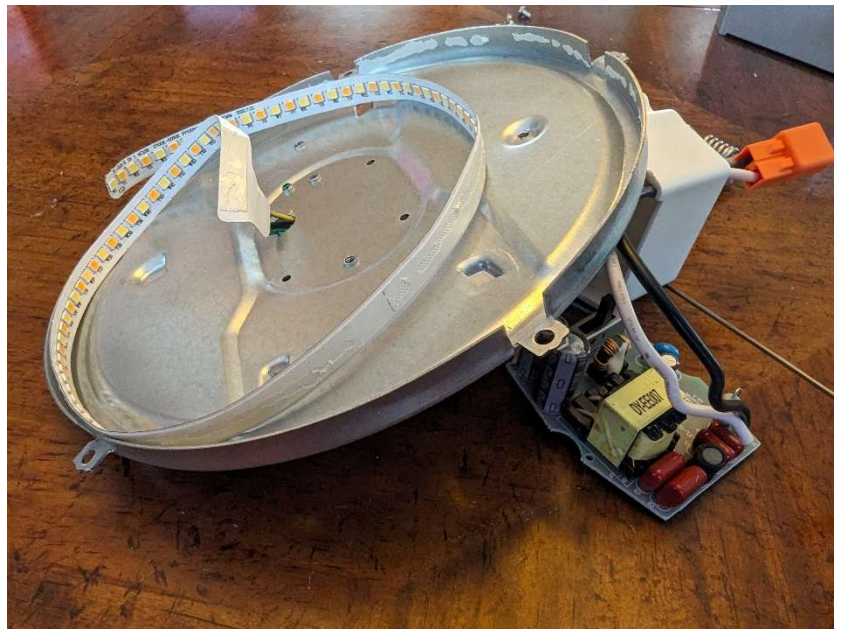


107.101.

TABLE 14:

<p><u>Claim 4 from PLAINTIFF's Patent</u></p>	<p>Images of product and manual from Sylvania and LEDVANCE: ITEM: 62884 / Model No.: LEDRLMDNL6R800ST9SC3TW</p>
---	---

4. The apparatus according to claim 1, wherein the complete fixture (112) comprises a plurality electrical systems, clips, and accessories.



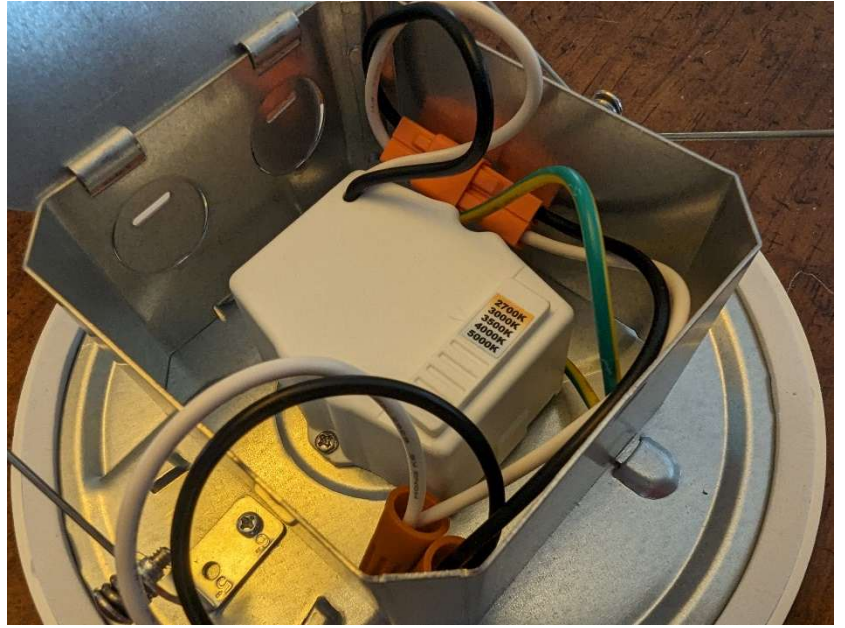
108.102.

TABLE 15:

Claim 5 from PLAINTIFF's Patent

Images of product and manual from Sylvania and LEDVANCE:
ITEM: 62884 / Model No.:
LED SLMDNL6R800ST9SC3TW

5. The apparatus according to claim 1, wherein the junction box (116) allows an LED driver to be installed and comprises a predefined area to attach a plurality of wires.



~~109.—~~

~~—TABLE 16:~~

<p>Claim 1 from PLAINTIFF's Patent</p>	<p>Images of product and manual from Sylvania and LEDVANCE:</p> <p>ITEM: 62882 / Model No.:</p> <p>LEDMD6R1200ST9SC3TW</p>
<p>1. An apparatus to detachably attach an LED light fixture to at least one of a ceiling, and a recessed lighting fixture housing, the apparatus comprises:</p>	<p>See Attached Images.</p>

1 a plurality of retrofit clips
2 (102) adaptable to attach with
3 a body of the LED light
4 fixture by screwing them into
5 a plurality of screw holes
6 (110);



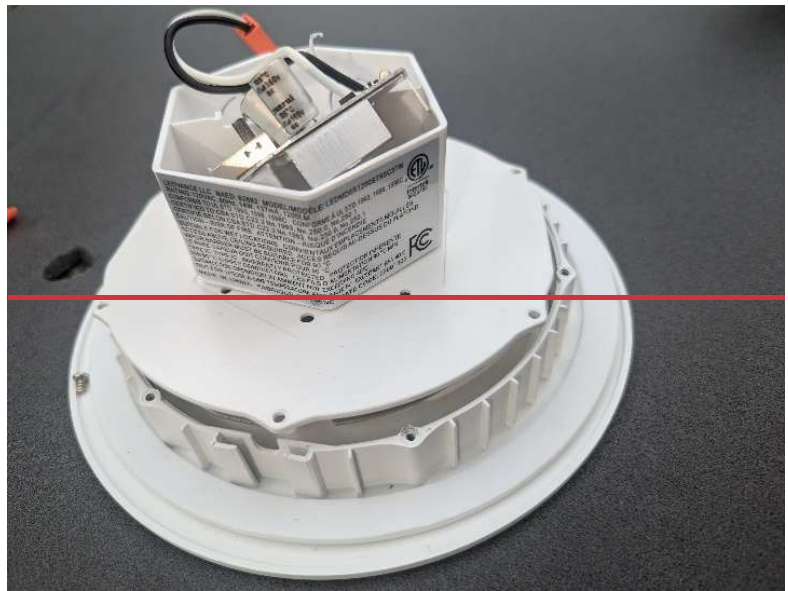
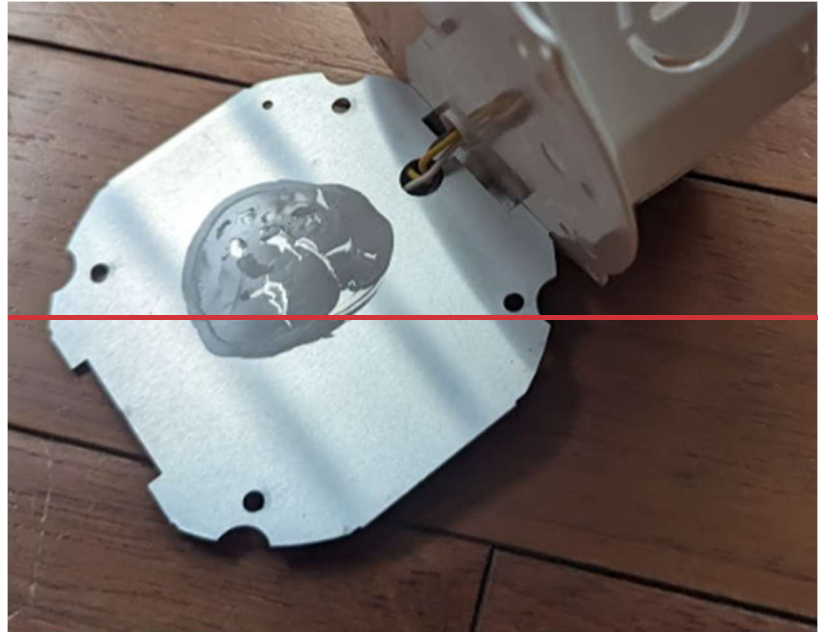
1 a plurality of new
2 construction clips (104);
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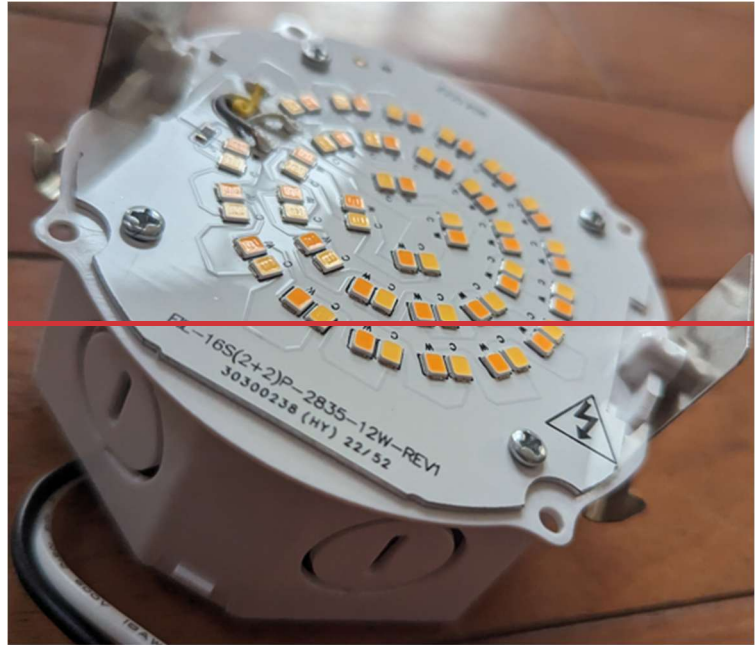


1 a plurality of connecting posts
2 (106) to hold the new
3 construction clips (104);
4



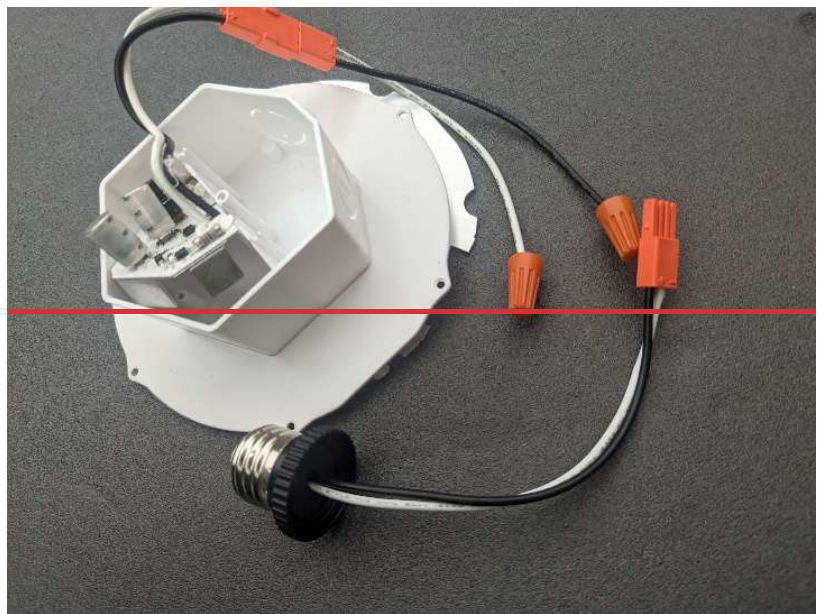
a metal housing (108) to
embody a complete fixture
(112);



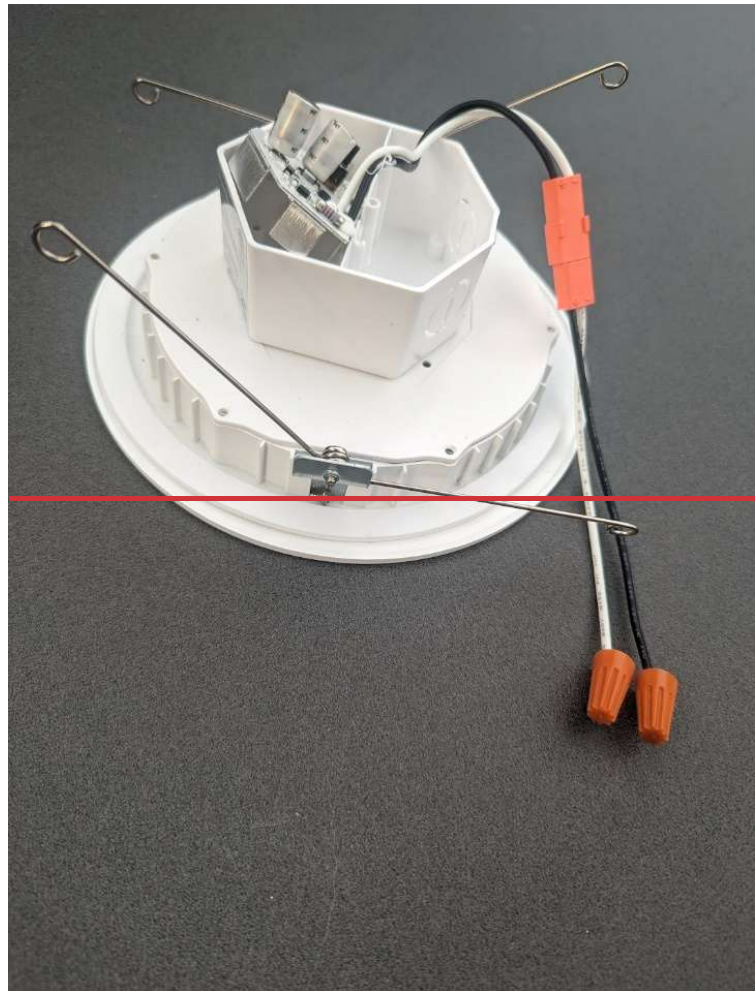
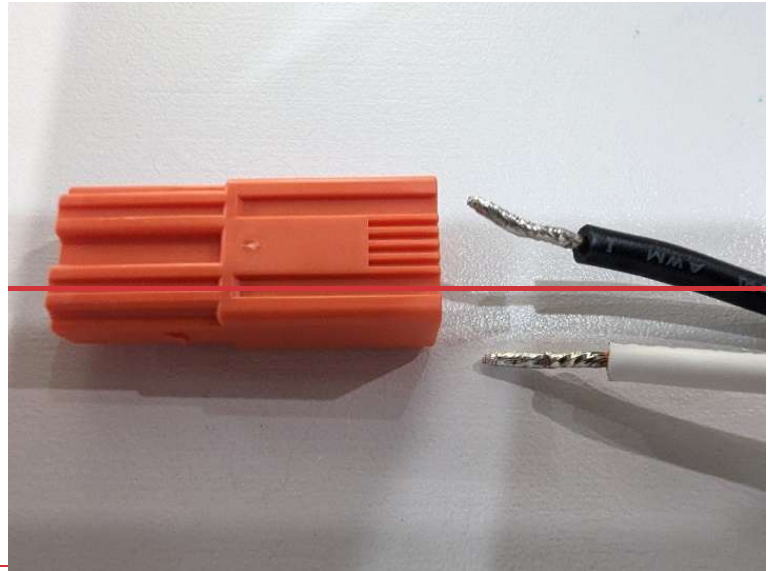


See Exhibit 17 for an elemental analysis report that indicates metals including, but not limited to Calcium, Magnesium, Aluminum, Titanium, Potassium, Zinc, and Iron, are embodied in the white portions.

a junction box (116) to hold a plurality of connection wirings, wherein the junction box (116) comprises a plurality of output wires; and

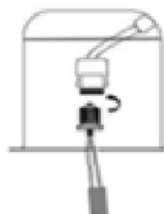


a twist connector (118) to attach the output wires of the junction box (116) to the metal housing (108),

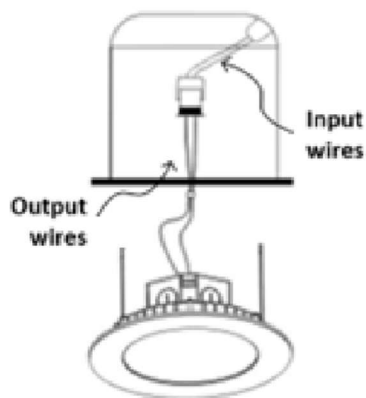




5. Install the E26 adapter into the CAN socket

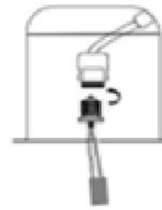


6. Connect the two-orange connector and gently push the fixture into the recesses CAN.

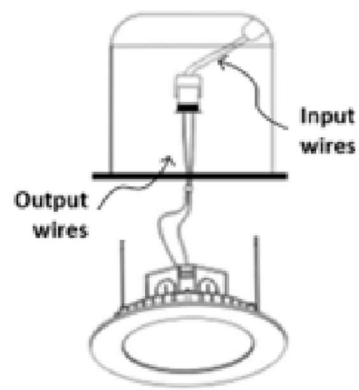


wherein the retrofit clips (102) make a friction fit inside the recessed lighting fixture housing to secure the complete fixture (112) inside,

5. Install the E26 adapter into the CAN socket



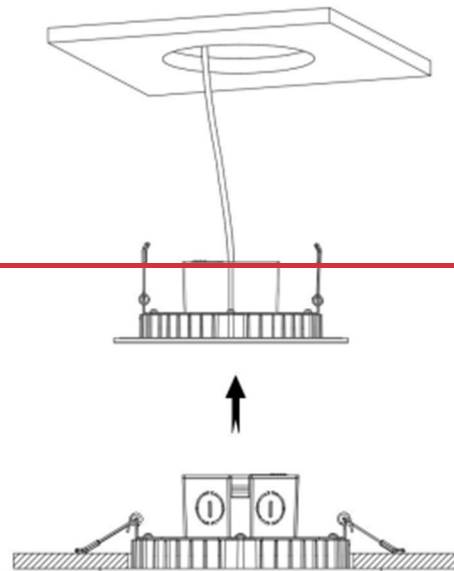
6. Connect the two-orange connector and gently push the fixture into the recesses CAN.




(text added to indicate input and output wires)

wherein the new construction clips (104) are attached to the connecting posts (106) if the recessed lighting fixture housing is not present.

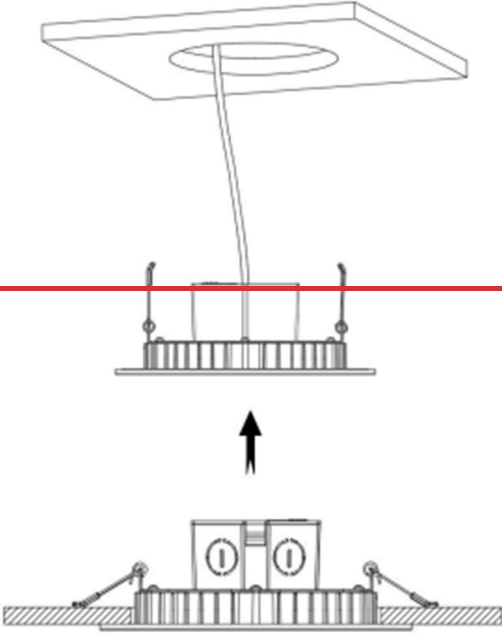
9. Pull the spring clips on the slim microdisk up and gently guide through the ceiling hole until the clips snap.



110. TABLE 17:

<p><u>Claim 2 from PLAINTIFF's Patent</u></p>	<p>Images of product and manual from Sylvania and LEDVANCE: ITEM: 62882 / Model No.: LEDMD6R1200ST9SC3TW</p>
<p>2. The apparatus according to claim 1 comprises a socket adapter (114) to replace a light bulb in the recessed lighting fixture housing.</p>	

111. TABLE 18:

<p><u>Claim 3 from PLAINTIFF's Patent</u></p>	<p>Images of product and manual from Sylvania and LEDVANCE: ITEM: 62882 / Model No.: LEDMD6R1200ST9SC3TW</p>
<p>3. The apparatus according to claim 1, wherein the new construction clips (104) squeeze ceiling material placed between the new construction clips (104) and an extremity of the metal housing (108).</p>	<p>9. Pull the spring clips on the slim microdisk up and gently guide through the ceiling hole until the clips snap.</p> 

112. TABLE 19:

<p><u>Claim 4 from PLAINTIFF's Patent</u></p>	<p>Images of product and manual from Sylvania and LEDVANCE: ITEM: 62882 / Model No.: LEDMD6R1200ST9SC3TW</p>
---	--

4. ~~The apparatus according to claim 1, wherein the complete fixture (112) comprises a plurality electrical systems, clips, and accessories.~~

HARDWARE INCLUDED



Slim Microdisk x 1



V-shaped Spring x 2



E26 Adaptor x 1



Wire Nuts x 2



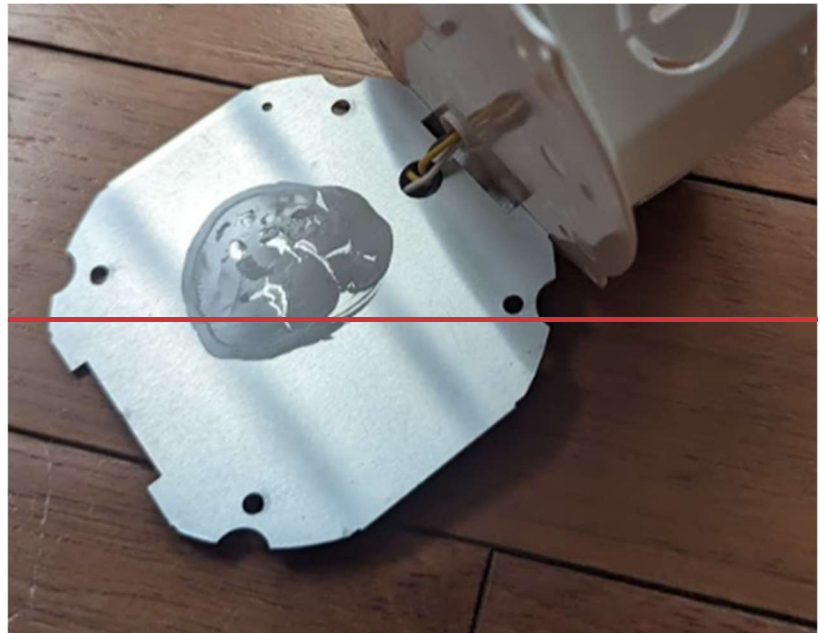
Hardwire Pigtail x 1



ST3x5 Screw x 2



Cut-out Template for Canless Install



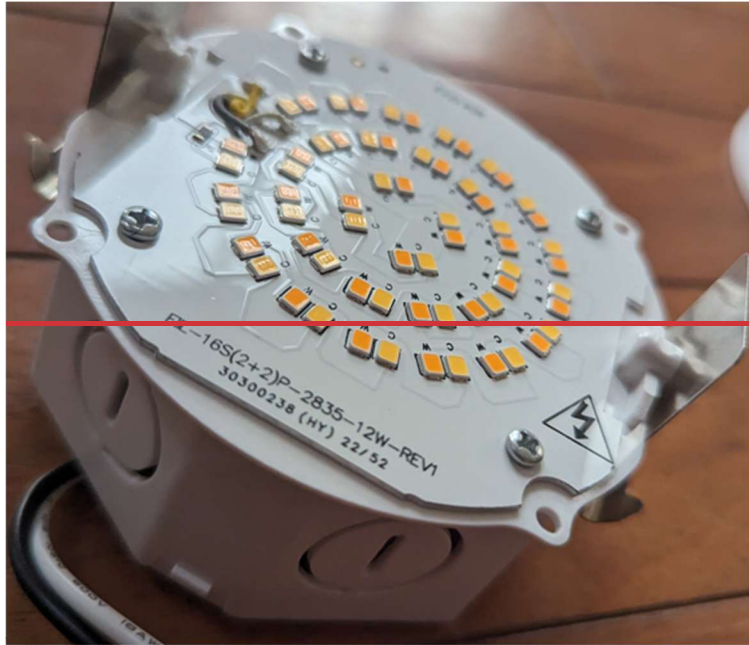
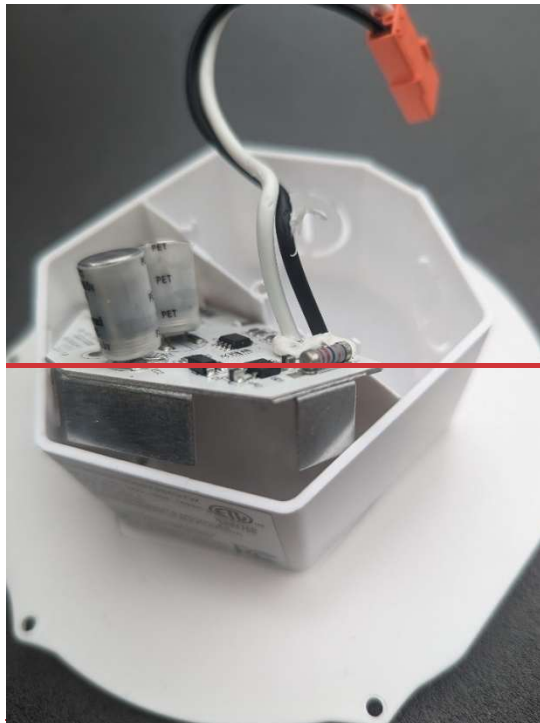


TABLE 20:

<p><u>Claim 5 from PLAINTIFF's Patent</u></p>	<p>Images of product and manual from Sylvania and LEDVANCE: ITEM: 62882 / Model No.: LEDMD6R1200ST9SC3TW</p>
---	--

~~5. The apparatus according to claim 1, wherein the junction box (116) allows an LED driver to be installed and comprises a predefined area to attach a plurality of wires.~~



~~114. TABLE 21:~~

~~— Claim 1 from the PLAINTIFF's Patent~~

~~Images of product and manual from Sylvania and LEDVANCE:~~

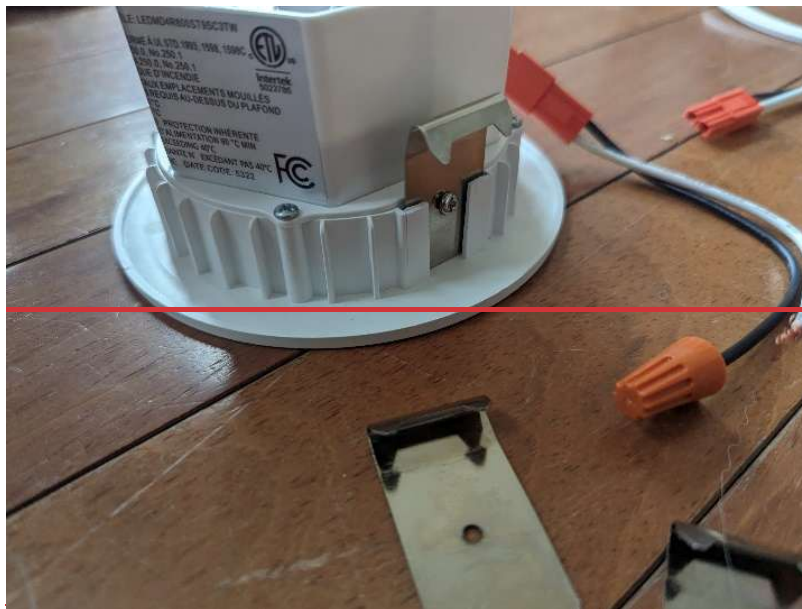
~~ITEM: 62881 / Model No.:~~

~~LEDMD4R800ST9SC3TW~~

~~1. An apparatus to detachably attach an LED light fixture to at least one of a ceiling, and a recessed lighting fixture housing, the apparatus comprises:~~

~~See Attached Images.~~

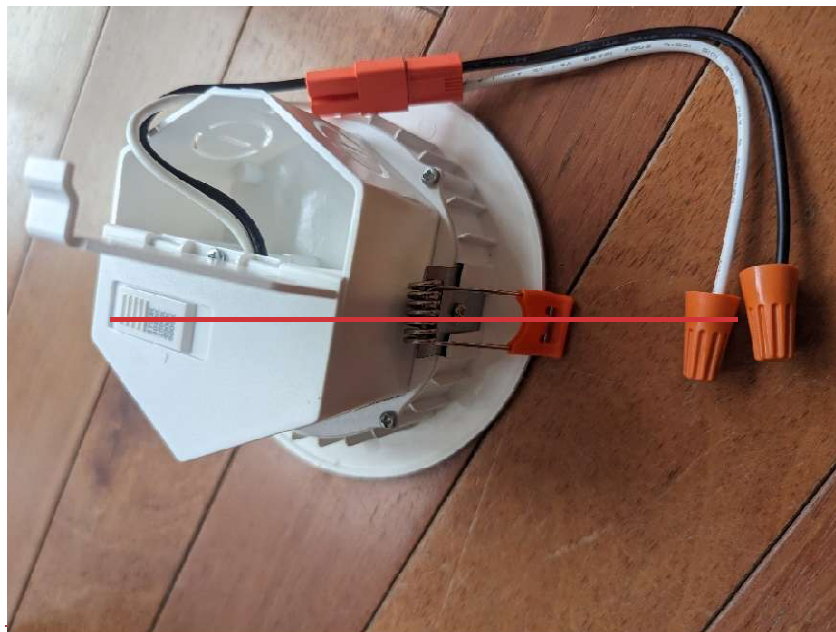
1 a plurality of retrofit clips
2 (102) adaptable to attach
3 with a body of the LED light
4 fixture by screwing them
5 into a plurality of screw
6 holes (110);



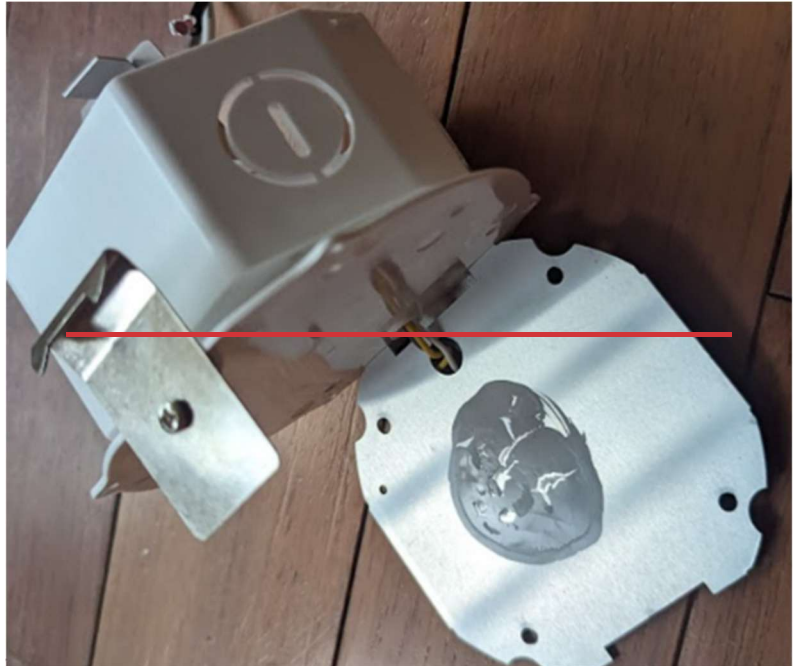
11 a plurality of new
12 construction clips (104);

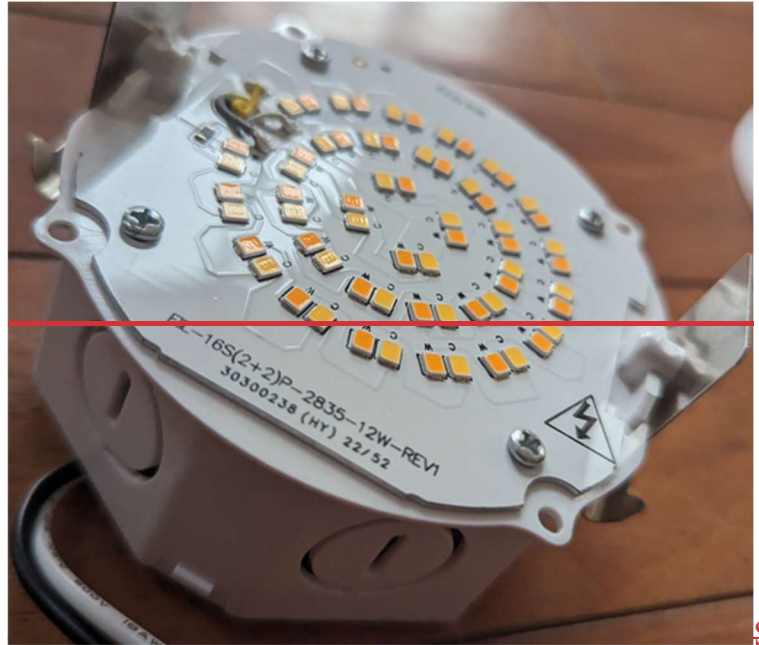


1 ~~a plurality of connecting~~
2 ~~posts (106) to hold the new~~
3 ~~construction clips (104);~~



1 a metal housing (108) to
2 embody a complete fixture
3 (112);
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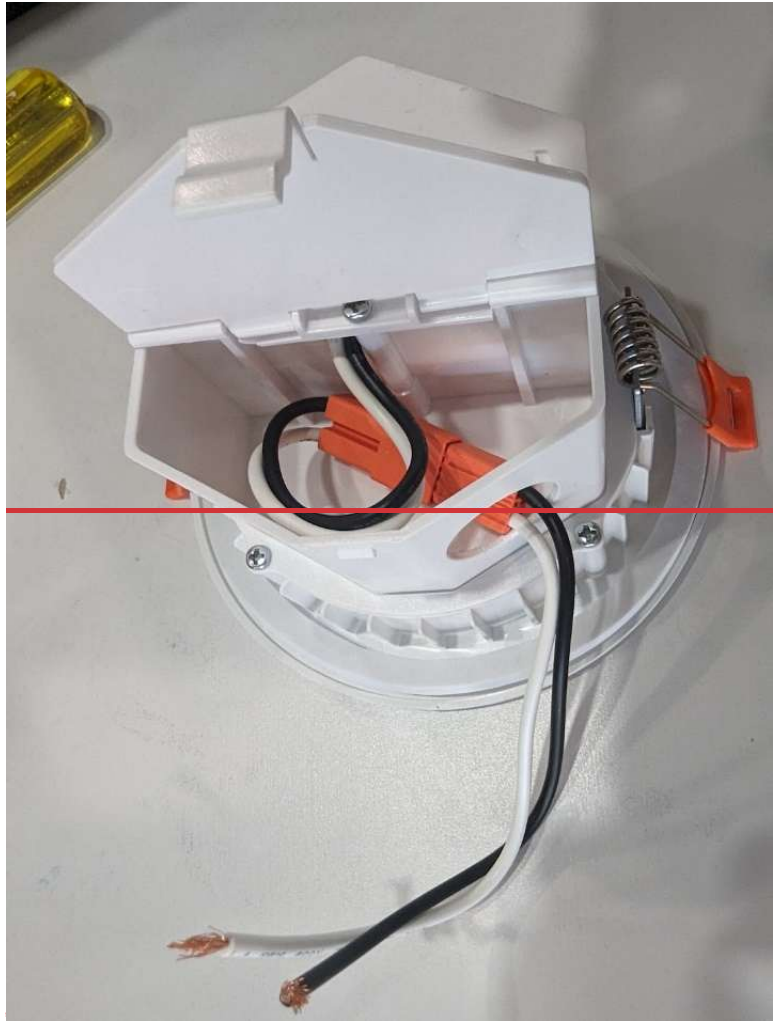




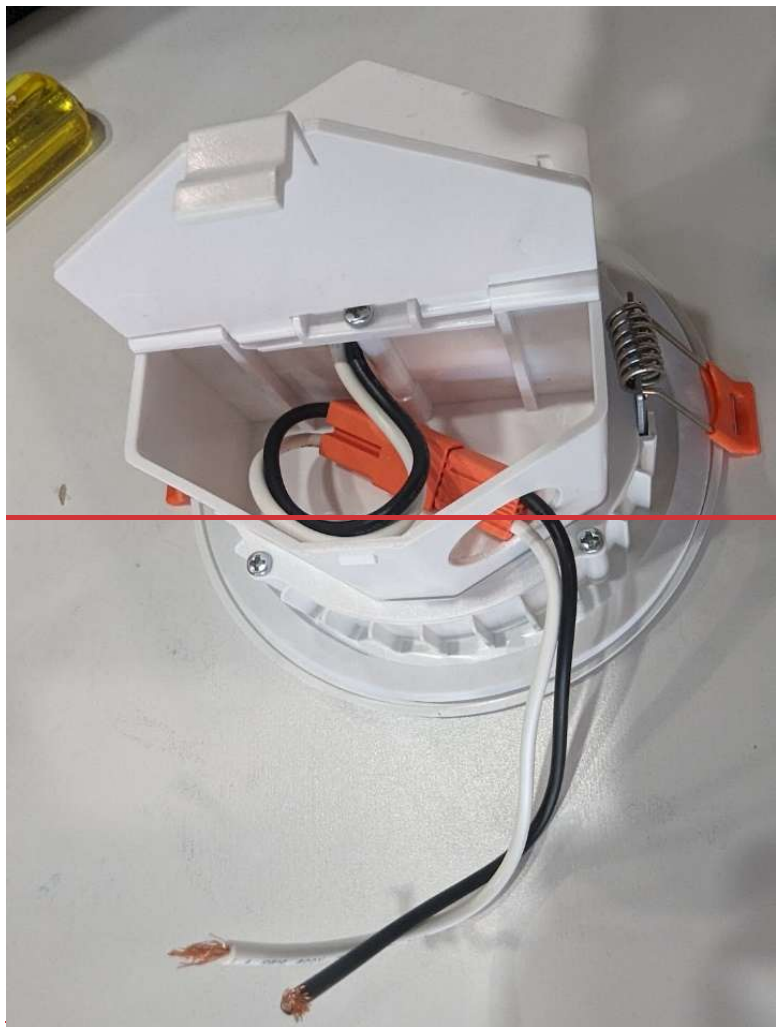
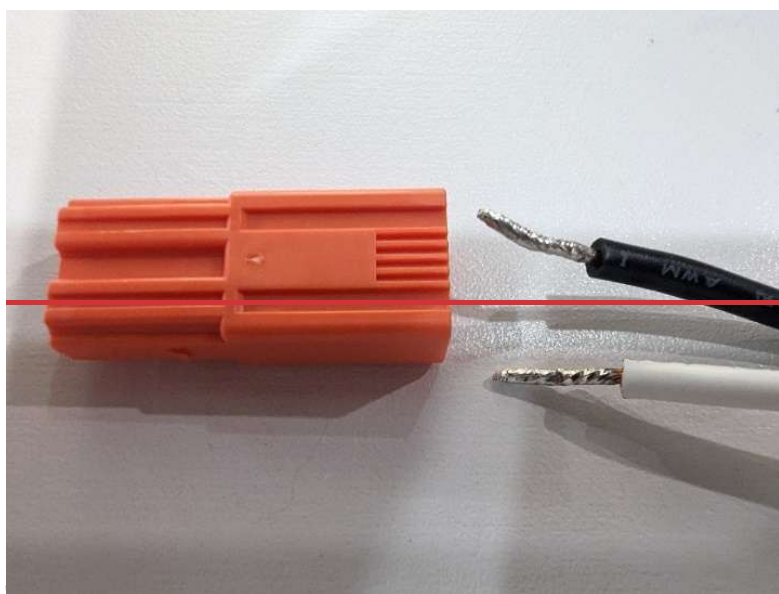
See

~~Exhibit 17 for an elemental analysis report that indicates metals including, but not limited to, Calcium, Magnesium, Aluminum, Titanium, Potassium, Zinc, and Iron, are embodied in the white portions.~~

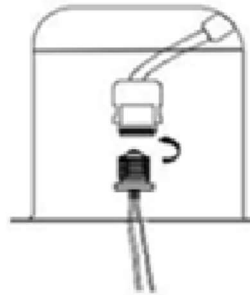
1 a junction box (116) to hold
2 a plurality of connection
3 wirings, wherein the
4 junction box (116)
5 comprises a plurality of
6 output wires; and
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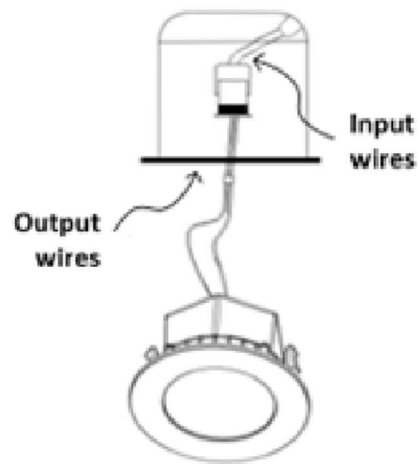
a twist connector (118) to
attach the output wires of the
junction box (116) to the
metal housing (108),



5. Install the E26 adapter into the CAN socket

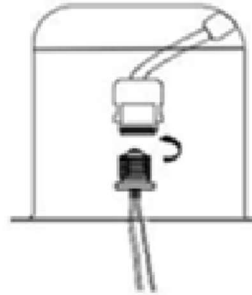


6. Connect the two-orange connector and gently push the fixture into the recesses CAN.

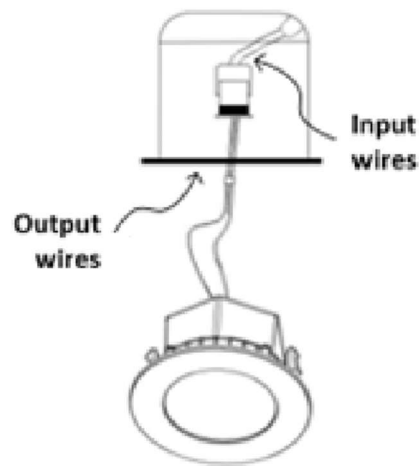


wherein the retrofit clips
(102) make a friction fit
inside the recessed lighting
fixture housing to secure the
complete fixture (112)
inside,

5. Install the E26 adapter into the CAN socket



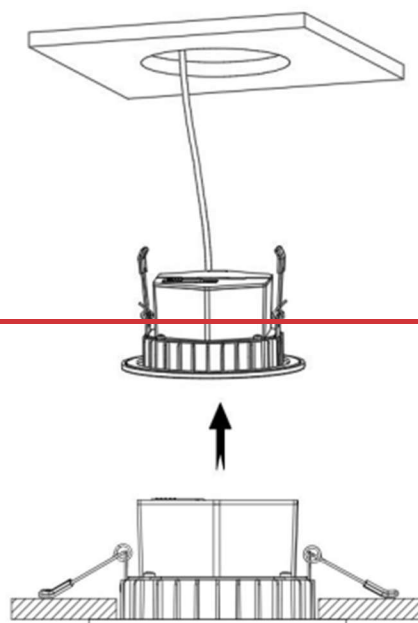
6. Connect the two-orange connector and gently push the fixture into the recesses CAN.



(text added to indicate input and output wires)

~~wherein the new construction clips (104) are attached to the connecting posts (106) if the recessed lighting fixture housing is not present.~~

9. Pull the spring clips on the slim microdisk up and gently guide through the ceiling hole until the clips snap.



115. TABLE 22:

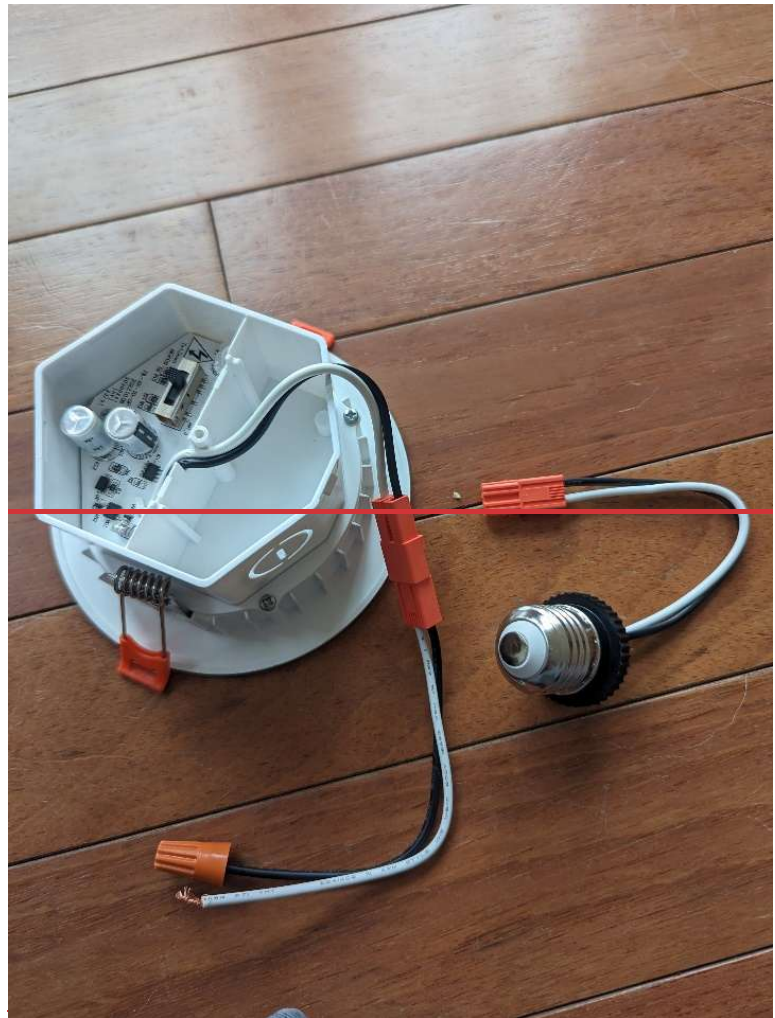
Claim 2 from PLAINTIFF's Patent

Images of product and manual from Sylvania and LEDVANCE:

ITEM: 62881 / Model No.:
LEDMD4R800ST9SC3TW

~~2. The apparatus according to claim 1 comprises a socket adapter (114) to replace a light bulb in the recessed lighting fixture housing.~~



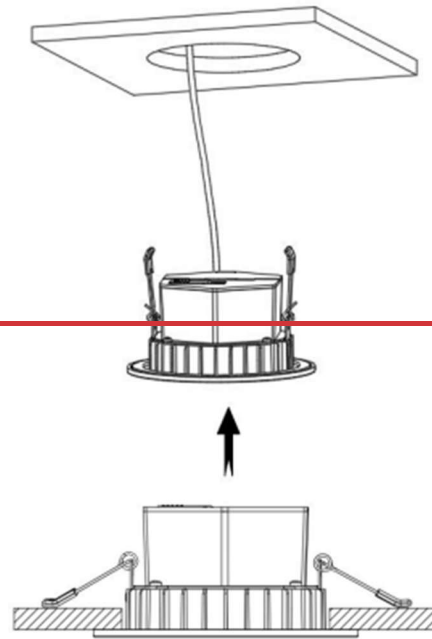


116. TABLE 23:

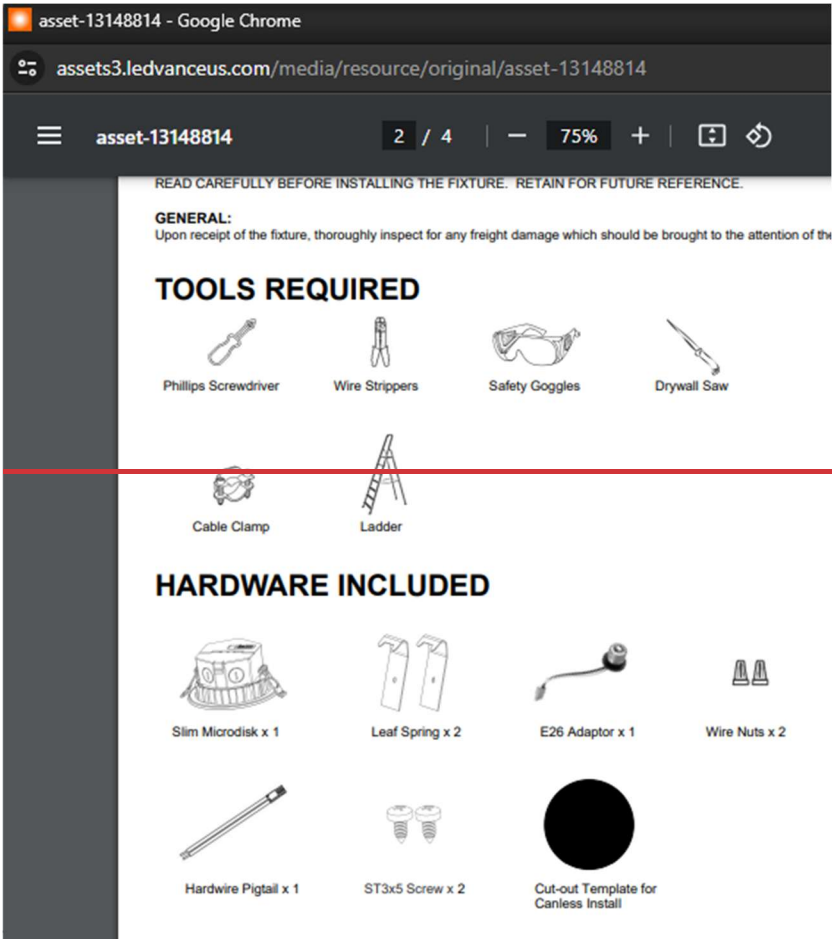
<p><u>Claim 3 from PLAINTIFF's Patent</u></p>	<p>Images of product and manual from Sylvania and LEDVANCE: ITEM: 62881 / Model No.: LEDMD4R800ST9SC3TW</p>
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~~3. The apparatus according to claim 1, wherein the new construction clips (104) squeeze ceiling material placed between the new construction clips (104) and an extremity of the metal housing (108).~~

9. Pull the spring clips on the slim microdisk up and gently guide through the ceiling hole until the clips snap.



117. TABLE 24:

<p><u>Claim 4 from PLAINTIFF's Patent</u></p>	<p><u>Images of product and manual from Sylvania and LEDVANCE:</u></p> <p><u>ITEM: 62881 / Model No.:</u></p> <p><u>LEDMD4R800ST9SC3TW</u></p>
<p><u>4. The apparatus according to claim 1, wherein the complete fixture (112) comprises a plurality electrical systems, clips, and accessories.</u></p>	



~~118.~~ TABLE 25:

<p>Claim 5 from PLAINTIFF's Patent</p>	<p>Images of product and manual from Sylvania and LEDVANCE:</p> <p>ITEM: 62881 / Model No.:</p> <p>LEDMD4R800ST9SC3TW</p>
<p>5. The apparatus according to claim 1, wherein the junction box (116) allows an LED driver to be installed and comprises a predefined area to attach a plurality of wires.</p>	

~~119.103.~~ Upon information and belief, DEFENDANT has not stopped engaging in their willful and reckless infringing activities.

~~120.104.~~ Upon information and belief, DEFENDANT has infringed, directly, indirectly, and/or by equivalents, the PLAINTIFF's PATENT by using, selling, and offering for sale DEFENDANT'S lighting products from the United States, and importing into the United States, DEFENDANT'S lighting products that embody each and every claim element of each respective claim of the PLAINTIFF's Patent, and/or by inducing such infringement (e.g., inducing retailers such as ProLighting.com and HomeElectrical.com, and/or inducing manufacturers such as LEDVANCE CHINA).

SECOND-FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT PER RULE

15(a)(1)(B)

~~121.105.~~ Upon information and belief, DEFENDANT has known of the existence of the PLAINTIFF'S PATENT, and their egregious acts of infringement have been willful and in reckless disregard for the PLAINTIFF's rights per the PLAINTIFF'S PATENT, without any basis for believing that DEFENDANT had a right to engage in the infringing conduct.

~~122.106.~~ PLAINTIFF has sustained, and is likely to continue sustaining, actual damages due to DEFENDANT'S activities, including lost sales and reduced market share resulting from DEFENDANT'S infringing conduct.

~~123.107.~~ Unless enjoined by this Court, DEFENDANT will continue to infringe the PLAINTIFF'S PATENT and cause PLAINTIFF to suffer irreparable harm for which there is no adequate remedy at law. PLAINTIFF is thus entitled to an injunction against DEFENDANT.

DAMAGES ATTRIBUTABLE TO LEDVANCE

~~124.108.~~ PLAINTIFF repeats and realleges paragraphs 1-1~~0723~~ of this Complaint, as if fully set forth herein.

~~125.109.~~ Upon information and belief, PLAINTIFF has been, and continues to be, damaged by the unlawful acts of the DEFENDANT, including, but not limited to, loss of sales, loss of profits, loss of market share, among other economic hardships.

~~126.110.~~ PLAINTIFF estimates damages to be at least gross profits on sales of any of the DEFENDANT'S lighting products that infringe PLAINTIFF'S Patent.

~~127.111.~~ PLAINTIFF estimates additional damages to be a royalty on ongoing sales of any of the DEFENDANT'S lighting products during the lifetime of PLAINTIFF'S Patent.

~~128.112.~~ Upon information and belief, DEFENDANT has infringed, directly, indirectly, and/or by equivalents, PLAINTIFF'S PATENT by using, selling, and offering for sale DEFENDANT's lighting products from the United States, and importing into the United States, DEFENDANT's lighting products that embody each and every claim



1 element of each respective claim of PLAINTIFF'S PATENT, and/or by inducing such
2 infringement.

3 ~~129.113.~~ Upon information and belief, DEFENDANT has known of the existence of
4 PLAINTIFF'S PATENT, and their egregious acts of infringement have been willful and
5 in reckless disregard for the PLAINTIFF's rights per PLAINTIFF'S PATENT, without
6 any basis for believing that DEFENDANT had a right to engage in the infringing
7 conduct.

8 ~~130.114.~~ PLAINTIFF has sustained, and is likely to continue sustaining, actual
9 damages due to DEFENDANT's activities, including lost sales and reduced market
10 share resulting from DEFENDANT's infringing conduct.

11 ~~131.115.~~ Unless enjoined by this Court, DEFENDANT will continue to infringe
12 PLAINTIFF'S PATENT and cause PLAINTIFF to suffer irreparable harm for which
13 there is no adequate remedy at law. PLAINTIFF is thus entitled to an injunction against
14 DEFENDANT.

15 COUNT 1

16 (LEDVANCE'S Infringement of the PLAINTIFF's Patent)

17 ~~132.116.~~ PLAINTIFF repeats and realleges paragraphs 1-1 ~~1531~~ of this Complaint, as
18 if fully set forth herein.

19 ~~133.117.~~ PLAINTIFF is the owner of all right, title, and interest in and to the validly
20 issued PLAINTIFF's Patent including all rights to enforce the PLAINTIFF'S PATENT.

21 ~~134.118.~~ Upon information and belief, DEFENDANT has been and are infringing,
22 directly, indirectly, and/or by equivalents, the PLAINTIFF'S PATENT by using, selling,
23 offering for sale from the United States, and/or importing into the United States,
24 including within California State and this District, LEDVANCE'S Products in violation
25 of 35 U.S.C. § 271, and/or by inducing such infringement.

26 ~~135.119.~~ Upon information and belief, DEFENDANT'S alleged infringement has
27 been, and continues to be knowing, intentional, egregious, and willful.



~~136.120.~~ DEFENDANT'S alleged acts of infringement of the PLAINTIFF'S PATENT have caused and will continue to cause PLAINTIFF damages for which PLAINTIFF is entitled to compensation pursuant to 35 U.S.C. § 284.

~~137.121.~~ DEFENDANT'S alleged acts of infringement of the PLAINTIFF'S PATENT have caused and will continue to cause PLAINTIFF immediate and irreparable harm unless such infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283.

~~138.122.~~ This case is exceptional and, therefore, PLAINTIFF is entitled to an award of attorneys' fees pursuant to 35 U.S.C. § 285.

WHEREFORE, Plaintiff requests judgment against DEFENDANT as follows:
(as regarding Count 1 ...)

1. Adjudging, finding, and declaring that DEFENDANT'S lighting products have and do infringe, directly or by equivalents, the PLAINTIFF'S PATENT, in violation of 35 U.S.C. § 271, and/or that each respective DEFENDANT is otherwise liable as an infringer of the PLAINTIFF'S PATENT pursuant to 35 U.S.C. §§ 271(a), 271(b), and/or 271(c);

2. Granting an injunction and permanently enjoining DEFENDANT and DEFENDANT'S employees, agents, officers, servants, directors, attorneys, successors, affiliates, subsidiaries, and assigns, and all of those in active concert and participation with any of the foregoing persons or entities from infringing the PLAINTIFF'S PATENT, including all making, using, importing, advertising, offering for sale and selling DEFENDANT'S infringing lighting products on any online shopping platforms, any online sales platform, as well as others distributing or selling DEFENDANT'S infringing lighting products to the public and/or retailers, permanently remove from their respective platforms any and all sales pages illustrating, featuring, mentioning, selling,

1 offering for sale DEFENDANT'S lighting products, or any other relevant products,
2 pursuant to 35 U.S.C. §283;

3 3. Ordering DEFENDANT to account for all sales (domestically and
4 internationally), revenues, profits, and expenses, and ordering DEFENDANT to pay
5 PLAINTIFF for DEFENDANT'S wrongful gains and in furtherance of deterrence,
6 and/or otherwise pay actual and compensatory damages adequate to compensate
7 PLAINTIFF for DEFENDANT'S infringement of the PLAINTIFF'S PATENT, with
8 pre-judgment and post-judgment interest and costs, pursuant to 35 U.S.C. § 284; and

9 4. Ordering that damages be awarded and increased in an amount up to three times
10 the actual amount assessed, as deterrence, pursuant to 35 U.S.C. § 284;

11 5. Declaring this case exceptional and awarding PLAINTIFF its reasonable
12 attorneys' fees, pursuant to 35 U.S.C. §285.

13 6. Ordering DEFENDANT to provide PLAINTIFF with sufficient information to
14 determine any past and/or present source of manufacturing, any suppliers, and any
15 distributors of DEFENDANT'S lighting products;

16 7. Ordering DEFENDANT to provide PLAINTIFF with sufficient information to
17 determine details regarding communications, relevant decisions for action, and/or
18 inaction with respect to infringing the PLAINTIFF'S PATENT, manufacturing
19 DEFENDANT'S lighting products, importing DEFENDANT'S lighting products, and/or
20 otherwise making DEFENDANT'S lighting products available for purchase.

21 8. Ordering DEFENDANT to provide PLAINTIFF with sufficient information to
22 determine details regarding relevant communications, purchases, cancelations, and/or
23 agreements between DEFENDANT and any other associated lighting parts retailer,
24 seller, manufacturer, importer, and/or trade broker.

25 9. Ordering DEFENDANT to pay for expenses incurred by PLAINTIFF for and
26 associated with monitoring DEFENDANT'S infringing activities, and interacting with
27

DEFENDANT, their agents, and any other persons or entities to prevent
DEFENDANT'S infringing activities.

10. An order requiring DEFENDANT to pay enhanced damages, as a deterrence, due
to DEFENDANT'S reckless, egregious, and willful acts.

11. Awarding any such other and further relief as this Court deems just and proper.

JURY DEMAND

Pursuant to Rule 38, Fed. R. Civ. P., Plaintiff demands a trial by jury on all issues
so triable.

Dated: ~~January 12, 2024~~ November 13, 2024

Cummins IP LLC

/s/ Patrick Cummins,

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